# D.E.A. NARCOTICS INVESTIGATOR'S MANUAL

CONFIDENTIAL

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## FOREWORD

The theme that runs throughout this manual is the need for specialization and cooperation in drug enforcement. While there are many similarities between narcotics and general investigation, certain investigative areas are unique in narcotics work. Those areas are discussed in depth in this manual. Cooperation is perhaps a more important factor in narcotics investigation than it is in any other specialized area of police work. Cooperation is stressed from three perspectives in this manual--cooperation within a narcotics unit, intradepartmental cooperation, and cooperation among law enforcement agencies at all three governmental levels.

It is hoped that this resource manual will be useful to the narcotics officer and the narcotics unit supervisor and administrator in carrying out the narcotics enforcement function.

CHAPTER ONE

# CASE INITIATION*

The initiation of a narcotics case consists of several phases which include the receipt and verification of information and the planning that is necessary to properly develop the case. Many of the investigative techniques that are normally used in case initiation are covered in other parts of this manual. For example, subject areas which are part of case initiation, such as debriefing informants, surveillance, intelligence gathering, narcotics buys, undercover techniques, and conspiracy investigations are thoroughly covered elsewhere. To a major degree, this chapter is an overview of many of the other investigative techniques that are to follow. The reader should bear this in mind when reading this chapter.

## RECEIPT AND VERIFICATION OF INFORMATION

The first phase in initiating a case is the receipt of information by narcotics unit personnel. It is at this point that they learn that a particular individual or individuals are involved in illicit drug activity or that a certain illicit drug activity is occurring. This type of information may be received from various sources. It may, for instance, be received from different components in the unit's parent agency, such as an intelligence unit, or from another law enforcement agency.

The information may also be received from cooperating individuals. These cooperating individuals are the keystone to narcotics law enforcement. Under this label are included all those persons who contribute information as a result of personal contact by the investigator. It includes criminals who assist the investigator (criminal cooperating individuals). It includes the "good citizen" who responds helpfully to questioning and the victim of crime who provides investigative leads. It includes fellow officers within the department and officers from other police agencies. When an individual with a criminal record is being investigated, it is good practice for the investigator to check with a former arresting officer who may be able to provide leads concerning likely places to search or other personal advice not included in police reports.

While utilizing to the fullest any information provided by cooperating individuals, the investigator should remain alert to the motivation which prompts the assistance. In most cases the non-criminal cooperating individual merely wants to be helpful. The investigator, however, should remain sensitive to areas where error exaggeration replaces fact, or where an eyewitness report slips into embellishment and speculation. In other words, the information received must be evaluated relative to its source and the circumstances of its receipt. (See Chapter 7--"Informants")

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*Material in this chapter is based on: Drug Enforcement Administration, Case Initiation and Development--Instructor Manuscript. DEA, Washington, D.C.; and International Association of Chiefs of Police, Training Keys No. 57 and No. 84, Investigative Resources and Follow-up Investigation, IACP, Gaithersburg, Md.

After the initial receipt of information and a tentative evaluation is made of the information and its source, the narcotics investigator must make an effort, independent of the initial source, to verify or corroborate the information. He does this through one or a combination of three primary methods. The first method is surveillance. By closely monitoring the activities of the suspected individual, the officers attempt to verify the information. The second is the development of an informant who will be able to corroborate the information on the suspected activity. The third method is the use of a number of sources of information within and outside the investigator's agency. A list and description of these sources are provided at the end of this chapter. Once the initial information is verified, the investigators must plan how they will pursue their investigations.

## CASE PLANNING

Narcotics cases must be planned thoroughly. The investigator should keep in mind that narcotics investigations in the United States have been sufficiently complex to have encouraged both a tradition of separation from other types of criminal investigations and the development of entire organizations to specialize in providing information about narcotics and narcotics violations. This is certainly no area for trial and error tactics. The success or failure of a narcotics investigation often hinges upon small procedural details that should be considered during the initial planning of the case.

The target of the investigation will determine the appropriate level of investigative response. For instance, the magnitude of narcotics violations being committed by the suspect under investigation is an important planning element. Is the individual an addict? Is he a street dealer? Is he a distributor? Can he be used to reach others in an organization? The type of investigation and buy that will be utilized against the suspect will in large part be determined by the answers to the preceding questions. Arrest strategy will similarly be affected by the status of the target of the investigation. The difference between an immediate "buy/bust" and a deferred arrest, for instance, may depend entirely on the relative value of the suspect as a potential informant. As a further example, the investigators may use an officer buy, an informant buy, or possession case against the suspect (see Chapter 10--"Undercover Operations"). Or they may decide to develop a conspiracy case, which will result in a much different investigative strategy (see Chapter 14--"Conspiracy Investigations").

Departmental resources are unavoidable factors in the planning of a narcotics case. One can work only with tools that are available or which can be acquired for this purpose. Among the critical factors to be evaluated are the following:

a) Available manpower. The type and duration of any surveillance, the type of "buy" undertaken, and other critical decisions cannot ignore a realistic appraisal of manpower needs.

b) Money. Since the most common form of narcotics arrests involve either purchasing narcotics or using a "flashroll" to encourage dealers, a realistic appraisal of available funds must be part of the planning process.

c) Time. Strategies will vary in response to the learned intentions of the suspect and time considerations as they relate to the agency. For instance, in certain situations it may be advisable to postpone a planned action rather than risk failure because of new or unexpected developments. At other times, the consequences of inaction may outweigh other uncertainties. Obviously the mobility of the suspect is a critical factor affecting the amount of time that can be used for an investigation.

d) Equipment. Particularly with reference to any planned surveillance the investigator must know the type of equipment that is available within the department and how much of it he can reasonably expect to utilize. Equipment for this purpose would include items such as binoculars, cameras, body transmitters, night scopes, and special weapons. Field test equipment that is suitable for the specific drugs expected to be found also must be inventoried.

Legal assistance can be a valuable part of the narcotics investigation. Because of the complexity of narcotics law and the numerous points where a technicality may nullify weeks of careful work, it is advisable for the investigator to avail himself of legal counsel when it is available. Rapport with the office of the prosecutor is indispensable here. When investigative guidelines are available from the prosecutor's office, they should be studied carefully. If there is any question in the mind of the investigator about the legality of a particular tactic that is being considered, he should consult the prosecutor's office and obtain legal advice before proceeding.

## SOURCES OF INFORMATION

An examination of departmental records and reports is basic to any investigative effort. It often occurs that within the police department's own record system, numerous investigative leads may be found. The following records and reports should be routinely checked during the progress of the investigation.

- Offense reports--Filed in general records, this is the initial report filed by a responding officer; contains reports of minor incidents in addition to actual offenses.

- Investigative follow-up records--Contains all information recorded during any follow-up investigation based on offense or incident report. May contain a case summary if the investigation developed into a court case.

- Arrest records--Completed at time of arrest, these may contain details concerning residence, employment, or some other matter than can assist an investigation.

- Field interrogation reports--These relatively informal records contain information about minor or incidental activity of patrol officers. Contains name of person stopped and time and place of conversation.

- Modus operandi files--Contains detailed description of characteristic patterns of criminal activity associated with individuals.

- Identification photographs--Provides details of personal appearance at time of photographic record; variation from present. May be filed with limited criminal history and details of past residence or employment.

- Fingerprint files--Provides final identification check. Record may include criminal history and personal details.

- Wanted bulletins--Contains details of personal appearance, type of known criminal activity, personal habits.

- Gun registration records--Depending on the size of the department, this may or may not be maintained under local police control. Contains name of registered owner, residence, type of permit.

- Warrant file--Names of persons for whom warrants have been issued, date, offense, subsequent action.

- Juvenile records--Maintained separate from general arrest records; lists incidents involving juvenile offender; family information, personal details.

- Traffic records--Similarly maintained separate from general records; includes type of violation cited, name of individual, time and place of violation, vehicle involved.

- Traffic accident reports--This report contains any information reported by persons involved in traffic accidents or recorded during any investigation of a traffic accident; includes names of witnesses, site investigation and reports of interviews.

- Dispatcher's records--Since this record is available chronologically, it can be helpful in establishing a comprehensive view of police reaction to a particular incident; includes responding officers and peripheral activity.

In addition to records maintained within his own department, the investigator should examine records and documents maintained by other agencies in his area. As in many other aspects of an investigation, the nature of the offense and the characteristics of the suspect who is the target of the investigation will determine the extent of any outside document search. The amount of time and effort expended will be roughly proportional to the importance of the expected outcome.

An investigator who has occasion to use the resources of another agency should establish friendly working relationships with individuals at that agency. Considerable time can be saved when, for example, a known contact provides information over the telephone instead of requiring a personal visit. State statutes specify what information cannot be given out, and it is up to the investigator to find out what he can legally obtain. Non-police agencies which maintain records that are helpful to the investigator include the following.

- State motor vehicle administration--Information about operator's licenses, certificates of title, motor or serial numbers, license plates.

- Court records--Criminal, juvenile, civil and probate proceedings.

- Probation and parole officers--Parole status of individual, record of employment, residence, comments of parole officer. Access to parole officer's records is regulated by local ordinances which should be checked by investigator.

- Public welfare and social service agencies--Details concerning employment, residence history, dependents. Access to reports varies. Investigators should check local regulations.

- Coroner's office--Relatives of the deceased, next of kin, witnesses who testified at coroner's inquest.

- Licensing bureaus--Names and dates of applicants for licenses, disposition of request, references cited by applicant.

- Bureau of vital statistics--Birth records, marriages, deaths recorded.

- Board of education--Personnel records, student records.

- Board of elections--Lists of registered voters, residence duration.

- Attorney general's office--Conflict with any investigation in progress, outcome of similar investigations, legal assistance.

Much useful information can also be obtained from private organizations and businesses. When obtaining information from these sources, the manner in which an officer requests assistance is very important. Cooperation on the part of the private organization is entirely voluntary, but most organizations are willing to assist police officers when they are approached tactfully. The investigator must carefully explain exactly what he is seeking and why he needs that information. He must provide assurance that his source of information will remain confidential. If the information is needed later for a court case, it can be obtained by a subpoena which directs the company to bring specific records to court but which permits a representative of the firm to testify only as custodian of the records without commenting on content.

The following organizations and businesses may provide useful information during the progress of an investigation.

| | |
|---|---|
| Telephone companies | Telegraph companies |
| Utilities | Insurance companies |
| Credit agencies | Banks |
| Labor unions | Professional associations |
| Transportation companies | Laundries |
| Churches | Private investigative agencies |

The list of potential sources of information, of course, can be extended as far as the investigator's imagination and common sense permit.

## FEDERAL ASSISTANCE

Not to be ignored during the planning of any narcotics investigation is the type of assistance that can be obtained from various federal agencies. In many cases, the assistance available is merely a fragment of information, and it should also be recognized that certain non-enforcement agencies are restricted by law as to the type of information they can release. Nonetheless, the various federal agencies do possess considerable resources--most notably in terms of expert personnel, specialized equipment and a wealth of data--that can provide invaluable assistance to the narcotics investigator. A limited description of activities performed by various federal agencies follows.

- Drug Enforcement Administration, Department of Justice--The most direct source of assistance for narcotics investigations; maintains records of narcotics law violators and other investigative files; maintains the EPIC/NADDIS computerized intelligence systems; performs laboratory analysis of drugs; provides legal assistance and expert testimony.

- Federal Bureau of Investigation, Department of Justice--Comprehensive identification files; crime laboratory analyses; expert testimony; investigative files; NCIC; training programs; investigative advice and guidance.

- Immigration and Naturalization Service, Department of Justice--Records of alien registration, immigration, naturalization; lists passengers and crew members of foreign vessels.

- Alcohol, Tobacco, and Firearms Division, Department of Treasury--Information on gun sales and ammunition sales; distillers, brewers and firms engaged in handling and sale of alcoholic beverages listed.

- Compliance and Investigations Branch, Department of Agriculture--Results of inspections made under Pure Food and Drug Acts; permits and applications for permits from meat packers, food canners, and other food handlers.

- Bureau of Customs, Department of Treasury--Information concerning importers and exporters, international shippers; registry and licensing of vessels; information related to smuggling.

- Visa Division, Department of State--Responsible for alien visa control; controls immigration quotas and departure of aliens from the U.S.

- Passport Division, Department of State--Determines eligibility of applicants for passports; determines eligibility of persons registered in American consulates as citizens of the U.S.

- U.S. Postal Service--Can provide names of persons receiving mail at an address; some information concerning postal money orders, forwarding addresses, mail traces; mail covers.

- Interstate Commerce Commission--Maintains route and rate data pertaining to interstate shipments and common carriers engaged in commercial transport.

- U.S. Coast Guard, Department of Transportation--Records pertaining to movements of ships in U.S. waters; background material on all U.S. Merchant Seamen; performs coastal patrol.

- U.S. Maritime Commission--Lists crew members of all U.S. vessels; lists common carriers by water engaged in foreign commerce, and persons engaged in freight forwarding, docking, warehouse facilities and other freight terminal facilities.

- Social Security Administration--While many are considered confidential in nature, identification numbers can be traced to place of issuance.

CHAPTER TWO

# INTERVIEWS AND INTERROGATIONS*

During the progress of an investigation, the investigator will conduct numerous interviews. He will probably also conduct one or more interrogations. The distinction between interview and interrogation is often blurred, but it can be expressed here in terms of the purpose of the contact. An interview is a relatively formal conversation conducted for the purpose of obtaining information. Notes are taken. Major points are reviewed. The interview, however, may involve virtually anyone: witnesses, informants, cooperating citizens, and the suspect himself. An interrogation, on the other hand, is a systematic questioning of an individual. It is usually conducted for the purpose of determining that person's or some other person's extent of involvement in a crime. Legal guidelines affecting the two activities differ, becoming more restrictive as probability increases that the individual being questioned may incriminate himself.

## NTERVIEWING CITIZENS AND WITNESSES

Cooperating citizens and witnesses are often interviewed at locations outside the police department. More often than not, the investigator will have a more fruitful interview when it is conducted at a location where the citizen feels psychologically comfortable, such as in his own home or place of business.

The investigator should take time to prepare himself for the interview. Occasionally, this preparation must be done quickly and may consist of no more than a mental review of certain details of the investigation. In all cases, however, some kind of preparation should precede actual contact with the person who is to be interviewed. Whenever possible, the investigator should familiarize himself with available information about the person to be interviewed. When no personal information is available, this kind of information should be sought early in the interview because it may suggest conversational approaches or lines of questioning.

Most citizens find the police interview to be a strained situation. Uncertainty about the expectations of the investigator and the novelty of the situation may tend to make a person apprehensive and guarded. A degree of fear may develop, which may cause the person to withhold information. The resourcefulness and personality of the officer will be severely tested during the preliminary phase of the interview. He must put the subject at ease and try to establish rapport, while simultaneously seeking to uncover any reasons for an interviewee's possible reluctance to cooperate in certain areas. The investigator must also quickly convince a witness that there is a real need for his testimony.

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*Material in this chapter is based on: Drug Enforcement Administration, Drug Law Enforcement Officer's Manual, DEA, Washington, D.C.; and International Association of Chiefs of Police, Training Keys No. 51, Interviewing Techniques; No. 64, Democratic Guidelines of Interrogation; No. 77, The Miranda Decision; No. 237, Victims and Witnesses, IACP, Gaithersburg, Md.

Initial Contact. The success of an interview may be largely determined by attitudes formed during the initial contact between investigator and interviewee. A strained or awkward initial encounter may undermine confidence to the point that cooperation is withheld. The interviewee may sense that the investigator does not like something about him, particularly if the officer's remarks are sarcastic or rude. He may react defensively if he senses an antagonistic attitude on the part of the officer. The investigator must make every effort to be friendly in order to elicit a free exchange of information.

An important first impression is created by the way in which the officer greets the person to be interviewed. The investigator should identify himself at the outset of the conversation. Whether or not he displays credentials at this time depends on the circumstances. The investigator may choose to begin the conversation with some topic that is not directly related to the main purpose of the interview. These casual introductory remarks provide time for the interviewee to relax in the presence of the investigating officer.

Listening. Once the investigator has the subject in a communicative mood, the officer should turn his attention to the information he is seeking and steer the interview to the desired topic. He should allow the subject to give a complete account of whatever information is being sought with minimum interruptions. Meanwhile, the officer should be alert for inconsistencies and omissions. At times he may have to ask questions simply to keep the subject talking or to stay on the topic.

While inducing the subject to freely relate information he may possess, the investigator should be evaluating the person and the conversation. An interviewer will often find that on many occasions it is not what a person says that is important, but the manner in which he says it, or what he does not say that is truly important. The investigator must recognize and interpret symptoms indicating sensitivity to information.

Silence. Sudden silence on the part of the subject may indicate deliberation as to whether he should share information with the interviewer. Uncertainty or sudden confusion may indicate that a sensitive area has been reached. Should a conversation reach this stage, it is advisable for the officer to review the sequence of topics preceding this apparent loss of memory. An attempt to withhold information because of guilt feelings may also be found in sudden emotional outbursts of indignation or anger. A witness may unexpectedly shift from the topic of conversation to a totally unrelated subject area. This usually indicates information is being withheld. Probing that is conducted in a tactful, understanding and sincere manner will usually reveal the reason that a witness wants to evade a particular topic.

The silence which occurs when a conversation lags can be used to keep a subject talking or it may lead an unskilled interviewer to lose control of the situation if he becomes unnerved and puts words in the suspect's mouth. The officer's impatience may make him lose his temper or dominate the conversation. Long periods of silence may even be embarrassing because the officer may feel that it is his responsibility to keep the conversation going and that he must do something. Consequently, when a pause occurs, the officer immediately tries to fill the gap. Some subjects are quick to recognize that, by remaining quiet, the officer will do more and more of the talking. These long pauses are just as embarrassing to the subject. If the officer is patient, the subject will resume talking and will frequently volunteer additional information just to break the silence.

Questions. Unskilled use of questions can interrupt the conversation and have the undesirable effect of limiting the scope of the interview. The officer should realize that by asking a series of direct questions in the early stages of an interview, the officer may condition the witness to believe that he will be asked a question if information is wanted, and if he is not asked, no information is expected. Asking

relatively few questions leading into a conversation will give the subject the feeling that everything he tells has significance. His story is then permitted to come out freely.

Most questions cannot be answered with a simple yes or no. Explanations are necessary to learn all the facts. The yes-no question may help a reluctant witness since it determines what he will and will not answer and limits him to the yes-no response. However, some persons have a tendency to agree with the questioner just to be agreeable or because they may not understand the question or they are afraid to disagree. Agreement does not mean the subject is telling the truth.

The leading, or suggestive question has the same effect as the yes-no question because it may make the subject say something that he really does not mean. For example, the questions, "What did he do then? Put the narcotics in his pocket?" may result in an affirmative answer because the interviewee does not wish to appear forgetful or unobservant. The question should have been an open-ended one, such as "What did the suspect do with the narcotics?" The subject might have answered that he did not see, and thereby avoided giving the investigator false information. Other examples of open-ended questions are "What happened then?" or, "Tell me what he did."

The use of rapid-fire questions should be avoided. Some investigators feel that this technique yields results. In reality, it only serves to confuse the subject and create emotional tension. Asking a question before the preceding one can be answered may also allow a reluctant subject to avoid giving information by not allowing him to finish his statement.

The non-directive approach is a good technique used by many interviewing officers. In this technique, the subject's statements are turned into questions which call for more information by simply repeating the subject's last phrase. For instance, the interviewee says, "Then we left the apartment." The officer repeats, "You left the apartment?" In using this technique, the officer must not register surprise, but merely repeats the statement. The effect is that of drawing out further information without giving direction.

Of course, direct questions do have a place in the interview. Ideally, they should not be asked until the subject has finished his narration. The investigator can then use direct questions to clarify or examine some of the earlier statements.

Notes. Once the interviewee has begun to talk freely, the investigator should avoid interruptions. An attempt to take complete and precise notes while a citizen is narrating his story will invariably interrupt the flow of information. The witness may become distracted and may forget important details. Furthermore, some people are uncomfortable in the presence of someone who is obviously recording everything that they say. Naturally, the interviewing officer must take some notes, but he must do so inconspicuously and selectively during the initial narration. He can jot down names, addresses, certain phrases that will serve to outline the narrative for review. Most of all, however, he should listen carefully. When the person being interviewed has finished his narrative, the investigator should review what has been said with the citizen. In a step-by-step manner he can then proceed to ask direct questions and take careful notes.

The ideal interview process, therefore, begins with a favorable impression made by the investigator. A free flowing narration from the citizen or witness is prompted by a minimum number of questions from the interviewer. Questions, when asked, are carefully non-directive. The statement is then reviewed carefully by the interviewer, at which time specific questions are asked and detailed notes are produced.

No interview should be abruptly ended with a curt dismissal such as: "Okay. You may leave." As the interview ends, the conversation should be closed in a courteous

and friendly manner. A summary of what has been covered, for instance, can be given. Appreciation of what the subject has done should be made known by thanking him for his time and cooperation. Such expressions of courtesy during and after the interview create a favorable impression and encourage further cooperation.

## INTERVIEWING INFORMANTS

Certain special considerations govern interview procedures when dealing with informants. The interviewer, as he does when dealing with cooperating citizens and witnesses, must control the situation and conduct the interview in such a way as to receive maximum useful information. The general rules for successful interviewing continue to apply. In addition, however, the investigator who interviews an informant must also be guided by rules to protect his own safety and to protect information which the investigator does not want to reveal to the informant.

The place of the interview should be selected by the investigator. Meetings are usually arranged away from the police department but not in the informant's home or place of business. Instead, a neutral site such as a motel room is selected. After an informant becomes active, the investigator may receive information from him during brief encounters or over the telephone. It is advisable, however, to conduct a formal interview with any new informant. Certain administrative activities such as photographing, fingerprinting, and filling out required forms must be accomplished at this time.*

Factors determining the meeting place used for interviewing an informant include the following: 1) safety of the investigating officer; 2) privacy, so that the interview cannot be observed by others; 3) time for the interview to be conducted without interruptions; and 4) space to take notes and conduct required administrative activities.

The general progress of the interview should follow the model already discussed. The investigator stimulates a free-flowing narrative, then reviews details, asks increasingly specific questions, and takes notes. Additional factors to consider while interviewing an informant include the following items.

- Sympathize with the informant about any personal difficulties he may be experiencing, particularly if they affect his performance as an informant.
- Encourage whatever motives that may be causing the informant to provide information.
- Ask for information that is already known by the investigator in order to check the informant's reliability.
- Do not reveal that information received is known to be worthless or contradicts certain known facts. It is very important that the investigator protect his own secrets during the interview, keeping in mind the possibility that the informant may actually be attempting to obtain information about police knowledge of certain activities.

In addition, when questioning informants, the investigator must be careful not to reveal his own knowledge through the phrasing of his questions. For instance, an inquiry about a specific individual or a particular distribution site reveals that

*Procedures for dealing with informants are discussed in detail in Chapter 7.

police already know about that individual and site. The investigator must develop an ability to move from general, purposely vague questions to the particular information that has value. He may react with interest to old information, if he can thereby guide the conversation into areas where useful new information might be obtained. Similarly, he may remain passive before important disclosures in order to protect knowledge about the extent of information already known to investigators.

The end of an interview with an informant should contain expressions of appreciation for his assistance. The investigator should make clear that he values the help that has been provided. While recognizing that the informant may be primarily motivated by revenge or jealousy or the need for money, the investigator should also recognize that the informant is not immune to the effect of common courtesy.

## INTERVIEWING SUSPECTS

During any criminal investigation it is normal for information to be obtained through the means of direct interview with a suspect. It is not at all unusual, for instance, that an individual who has been interviewed as a source of information during the progress of an investigation becomes a primary suspect at a later date. Information obtained during the preliminary interview can properly be used by the investigator if and when a case develops against the suspect. In order to maintain a distinction between an interview and an interrogation, it is assumed that the interview takes place either before the investigation has focused on a particular individual or in a place where the suspect can clearly terminate the interview at any time.

Preparation for an interview with a suspect should include a review of all the important details of a case. The basic questions of who, what, when, where, how and why should be mentally reviewed by the interviewer. Any information that is available about the person to be interviewed should be studied carefully.

It is not necessary that a formal Miranda warning be ready by the investigator before conducting an interview with a potential suspect. The U.S. Supreme Court has recently underscored the importance of police "custody" when ruling on the need for formal Miranda warnings.

The Court held in Beckwith v. United States, 44 U.S.L.W. 4499 (U.S. April 21, 1976), that even though IRS agents had focused their investigation on Beckwith when they interviewed him at his home, they did not need to give him any Miranda warnings because he was not in "custody." Their simple advice to Beckwith that he didn't have to answer any questions, and that his answers might be used against him, was sufficient to indicate to a reasonable person that this was not "custodial" interrogation.

The decision is significant to law enforcement officers since it further defines when officers must give warnings to individuals whom they have not formally placed under arrest. The Court pointed out that warnings need be given, according to Miranda, only when the defendant is either in physical custody, or he has been "deprived of his freedom in any significant way." The Court stressed that it was the custodial nature of police interrogation which triggered the necessity for the Miranda warnings.

The mere fact that an investigation has "focused" on a defendant is not sufficient to require a Miranda warning before officers may talk to him. "Miranda specifically defined 'focus,' for its purposes, as 'questioning initiated by law enforcement officers after a person has been taken into custody or otherwise deprived of his action in any significant way.' (384 U.S., at 444). (Emphasis supplied.)" Thus, officers investigating a narcotics violation, for example, who have been advised by an informant that a certain individual committed the crime, may go to that individual's home or

office and talk to him about the crime without Miranda warnings, so long as they tell him he does not have to answer their questions and that they will leave whenever he so requests.

To review. An interview conducted with a suspect when he is clearly not in police custody and is free to end the conversation at any time does not require a formal Miranda warning. The suspect should be advised, however, that he does not have to answer questions and that his answers might be used against him.

## INTERROGATION TECHNIQUES

Historically, formal interrogations have not been used as extensively in narcotics investigations as they have in other police assignments. This is primarily because of the more prominent use of undercover officers and informants in the narcotics field. Once an undercover "buy" has been completed and substantiated by surveilling officers, by drug evidence, or by marked money, there is little reason to further substantiate the case with a suspect's confession. On the other hand, the narcotics case does not necessarily end with the apprehension of a single violator. There is a need for the investigator to determine from where or from whom a suspect obtained his contraband. It may also be possible to persuade a suspect to cooperate with police in a case directed against persons operating at a higher level of narcotics trade. The formal interrogation of a suspect, in such cases, can become a very important tool in a narcotics investigation.

An interrogation is a systematic questioning of an individual to determine the extent of his involvement in criminal activity. The full Miranda warning should be read to the suspect at the outset of the interrogation. Preparation by the investigator includes all steps taken preceding interviews with witnesses and informants. In addition, the investigator should give some thought to precisely what information would be most beneficial for his case. He may draw up a series of key questions and refer to them unobtrusively during the course of the interrogation.

Interrogations should be held in a room that is ideally designated for interrogation purposes only. The room should be physically isolated from the bustling activity that often characterizes the police department. Ideally, the room should be soundproofed. While it should be well lit, the room should not have glaring lights. The room should be secure, protected against interruptions, and equipped with some means of communication to outside areas such as a buzzer system or office intercom. Furnishings should be minimal, consisting of chairs, preferably without a desk, and containing pencil and paper, but devoid of distracting decorations.

The interrogation is normally undertaken by two officers. The second officer, while assisting in the interrogation, serves as a witness to statements made by the suspect. The two officers should consult before the interrogation to establish their respective "roles" during the questioning. It is often useful for one officer to pursue one type of approach to the suspect while the other develops a contrasting style. The reaction of the suspect may then suggest an emphasis on one type of approach over the other. The selection of an initial approach depends largely on the circumstances of a case and the investigator's impression of a suspect's personality. A variety of interrogation styles and techniques are described briefly below.

1) Logical. In a narcotics "buy" case where the evidence against a suspect is overwhelming, or where the suspect appears to be unemotional about his predicament, the investigator may choose to appeal to the suspect's respect for logical reasoning. The purpose of this approach is to present entirely logical reasons why the suspect should provide additional information to the investigator. An appeal is made to the suspect's self interest while the investigator demonstrates that cooperation with the police is the only logical alternative left for the suspect. The investigator should use a

businesslike tone of voice, and he should carry himself in a manner that suggests crisp and confident efficiency. The suspect's present condition is described in an unemotional manner, and future developments are presented as automatic, impersonal certainties that follow inevitably from whatever decisions are made by the suspect. No promises of leniency can be made by the investigator; nor can he suggest in any way that the suspect will be "better off" if he cooperates. However, the investigator can state that cooperation on the part of the suspect in any continuing investigation will be brought to the attention of the prosecuting attorney at the time of his trial.

2) Sympathetic. If the investigator determines that the suspect will be affected by an emotional appeal, he may choose to pursue a sympathetic approach. The interrogation is conducted in low tones and includes expressions of sympathy and understanding for the plight of the suspect. In addition, the investigator expresses sympathy on virtually any subject that might appeal to the emotions of the suspect: his wife, his parents, his children, religion, business, health, etc. When talking to the suspect, the investigator may sit close to him and may occasionally touch the suspect in a friendly manner. The investigator attempts to generate feelings of guilt and self pity in the suspect, and the suspect typically responds by blaming his problems on others. The investigator's sympathetic reaction encourages the suspect to further relieve his feelings of guilt by assisting the investigation.

3) Aggressive. The aggressive approach is basically a threatening manner, conveying the impression that the investigating officer is hostile to the suspect and is struggling to restrain himself from physically attacking the suspect. This vestige of the old "third degree" interrogation style is difficult to portray today without risking a violation of the suspect's civil rights and is, therefore, not recommended. If used, the technique must be limited to communicating a certain amount of disgust and dislike on the part of one of the interrogating officers, which is usually exhibited by disagreeable and impatient facial expressions and tones of voice rather than actual threats. The aggressive approach may be used as part of a total interrogation strategy, in which contrasting styles are exhibited by two investigators. Fear of the aggressive interrogator, in this case, may encourage a more cooperative attitude toward the sympathetic, friendly member of the interrogation team.

4) Indifferent. A modification of the aggressive posture is one that emphasizes fundamental indifference on the part of the interrogator. In this instance, it is suggested that the investigator does not really desire the suspect to cooperate further, but he must go through the motions of making this opportunity available to the suspect. It is suggested that the investigator would prefer to see the suspect severely treated for his crime rather than receive any possible consideration for help he might provide to the investigation. Like the aggressive technique, indifference is best used in combination with a contrasting style that is exhibited by a second interrogating officer.

5) Face Saving. In this approach, the interrogator attempts to provide the suspect with a psychological "way out" that will justify his participation in the crime. It is implied, but never stated, that a thorough understanding of the suspect's motivation may affect his degree of responsibility for the criminal activity. By systematically rationalizing the suspect's activities up to the point of the violation, describing them as natural consequences of some other difficulty or problem, the investigator attempts to get the suspect talking about his actions. The investigator interjects comments occasionally that have the effect of diminishing the importance of the suspect's own criminal involvement.

6) Egotistical. The investigator in this instance plays on the suspect's pride and sense of accomplishment. He talks about the intelligence required to work out complex narcotics operations. He pretends to be impressed by the efficiency of an operation or the amount of financial gain generated by it. He feigns a degree of respect for anyone who could work out such a complicated or daring plan. The egotistical

approach encourages the suspect to brag about his activities and to provide additional details in order to further impress the investigator.

7) Exaggeration. In order to obtain information from an otherwise uncooperative suspect, the investigating officer may elect to exaggerate the charges that can possibly be brought against the suspect. For example, the investigator may suggest that he believes the suspect to be a much bigger dealer than is actually the case. It is hoped that he will then admit to his actual violations in order to protect himself.

These are some of the more commonly used interrogation techniques used by narcotics investigators. Other techniques exist, and some of those mentioned are also known by other labels. The essential point to be kept in mind by the interrogator is that numerous possible approaches to an interrogation can be utilized. The selection of one interrogation style over another should not be made on the basis of what is most comfortable for the investigator. Instead, it should be tailored to best respond to the circumstances of a particular case and the personality of the suspect.

A special skill that must be cultivated by a good interrogator is the ability to recognize when a suspect is reaching an emotional peak or when he is likely to respond to a particular type of approach. This ability comes only from experience in the interrogation room. We can, however, state some basic guidelines here.

Bodily responses of the suspect should be watched carefully by the investigating officer. The incidence of nervous laughter, finger tapping, hand wringing, and other gestures may indicate rising tension or apprehension. Embarrassment, anger or fear can stimulate blushing or other changes in skin color. Facial expressions can be involuntary signals of the suspect's emotional condition. The investigator must learn to read these signals accurately and to respond to them appropriately.

When the suspect has reached the desired peak, the investigator must draw upon his experience to select the right tool to bring the interrogation to its climax. This may take the form of increased intensity on the part of the investigator. It may be the time to enumerate the various lies that have been told by the suspect during the interrogation. It may be the moment to move close to the suspect, to enter the area described by some psychologists as the individual's "personal zone." Whatever the particular technique, it is important that the investigator utilize some technique at the opportune moment to extract the greatest possible reaction from the suspect.

At the conclusion of a successful interrogation, the investigator must take care to maintain the characteristic attitude that he used during the progress of the interrogation. He certainly should not indicate in any way that he has been acting other than sincerely, or that he "knew all along" that the suspect would cooperate. Whatever demeanor has been utilized during the progress of questioning must be maintained until the meeting's end.

## ADMISSIONS AND CONFESSIONS

The differentiation between admissions and confessions has at times perplexed the police officer. An admission is a self-incriminatory statement by the suspect that falls short of an acknowledgment of guilt. It is an acknowledgment of a fact or circumstance from which his guilt may be inferred. In pre-Miranda times, the prosecution in a case was permitted to introduce an admission as evidence without first showing that it was made freely and voluntarily. Under the Miranda guidelines, however, admissions and exculpatory statements are treated just like confessions.

A confession, on the other hand, is the direct acknowledgment by a suspect of his guilt in committing a particular criminal act or of being an essential part of the act. A confession must be voluntary to be admissible. Giving a suspect his rights under

Miranda is a necessary, but not sufficient, condition for the voluntariness and trustworthiness of a confession. For example, there are three types of improper police behavior which would adversely affect the admissibility of a confession. These are:

- Coercion--the use or threat of use of illegal physical methods to induce a suspect to make an admission or confession
- Duress--the imposition of restrictions on physical behavior such as prolonged interrogation, deprivation of food or sleep, or excessive physical discomfort
- Physical constraint--the restraining of free will by threats or other methods of instilling fear, such as indirectly suggesting the prospect of harm to the suspect, his relatives, or his property

The prosecution may not use statements stemming from custodial interrogation of a suspect unless it can be demonstrated that the investigator used procedural safeguards to secure the suspect's privilege against self-incrimination. The investigator must be able to prove through his own testimony and that of witnesses, for example, that he informed the accused of his rights under Miranda. Moreover, the investigator should be able to make an affirmative showing to the effect that a confession was voluntarily given. He may do this by showing that:

- The statement was a spontaneous or self-induced utterance of the accused and was not obtained by urging or by request.
- The statement was obtained without coercion and not during an official investigation.
- The statement was obtained during an official investigation without coercion, after the accused had been informed of the nature of the offense, his rights under Miranda, and he had waived his rights.

There are a number of steps that an investigator can take to minimize the likelihood of being accused of placing undue duress on the suspect. For instance, if arrangements are made for appropriate intervals of rest, the investigator may question the suspect over a reasonable period of time dependent on the amount of information being sought. Several days or even weeks might be required. During such lengthy interrogations, the accused should be informed of his rights under Miranda from time to time.

In regard to psychological constraints, the following statements have been held by some courts to constitute a threat: "It would be better for you to confess," or "You had better tell the truth." However, it is permissible to tell the suspect that the police will discover the truth anyway, to display impatience with the suspect's story, or to give the underlying impression that the investigator considers the suspect to be guilty.

The investigator must refrain from using deception, promises, threats, tricks, or cajolings to obtain a waiver of rights from the suspect. In fact, the safest policy is to avoid all deception and promises, thereby minimizing misunderstandings and misinterpretations that may later render a confession or admission inadmissible. For example, the following types of promises can render a confession or admission inadmissible:

- Release from custody
- Cessation of prosecution
- Pardon

- Lighter sentence
- Grant of immunity or remission of sentence
- Prosecution for only one of several crimes

Written Statements. Ordinarily, interrogations will develop much more information than is necessary for incorporation in the written statement. Therefore, the investigator will have to make a judgment on the information he should include in the statement. A statement from a suspect should substantiate the elements of the charge or contain any information pertinent to the issues of the case. Moreover, the statement should include any details of extenuating circumstances or explanations offered by the suspect and information that can form the basis of additional investigation.

The methods that an investigator uses in taking a written statement will depend on the amount and nature of the information to be recorded, the availability of stenographic services, and the intelligence and temperament of the suspect. Since a suspect may be willing to speak of his involvement in a particular crime, but may not be ready to have it taken down as part of a statement, the interrogating officer should not interrupt the verbal statement to ask for a signed statement. Instead, after the investigator is finished soliciting the necessary information from the suspect, he should ask the suspect if he is willing to sign (or write) a statement that basically covers those points just discussed. The suspect should be assured that only information he has given to the investigators will be included in the statement and that he will have the prerogative of not signing the statement if it is not accurate. Once the suspect agrees to sign a written statement, the investigator may use one of the following techniques:

- The suspect may respond orally to the investigator or a stenographer in response to questions; these responses are then written verbatim.
- The suspect may give a statement orally without guidance to the investigator or to a stenographer.
- The suspect may write his own statement without the guidance of the investigator. This method is the most desirable if the resulting statement is comprehensive and clear.
- The investigator may give the suspect a list of the important points that should be covered in the written statement and suggest that he include these points and whatever other pertinent information he may wish.
- The investigator may write the statement according to the information given by the suspect in his oral statement. If he uses this technique, the investigator should attempt to use the same phrases that were used by the suspect. The prepared statement should be reviewed by the suspect, who will make appropriate corrections and sign it.

The investigator should not permit a number of crimes to be included in the confession. Ordinarily, in a trial for one crime it is not permissible to introduce evidence which shows that the defendant committed another crime. An exception to this is where the additional crimes tend to establish intent, identity of the defendant, or the scheme used in the commission of the crime being tried, or when the additional crime is part of the same transaction. In sum, it is recommended that a written confession be obtained for each offense.

The format used for written statements will vary among law enforcement agencies. This fact notwithstanding, the following features of a statement will be found common to many of the formats.

Figure 1: FORM FOR WRITTEN STATEMENTS

STATEMENT OF SUSPECT

Location _____
Date _____
Time _____

_____ (name of suspect), you are now in _____ (location such as room number). I am _____ (rank and name of officer) of the _____ (organization) and this is _____ (rank & names of others present) of the _____ (organization). We would like you to tell us what you know about _____ (state nature of crime being investigated, including _____ (date and place) and to answer questions we want to ask you about it. You have an absolute right to remain silent. You do not have to tell us anything, or answer any questions that we ask you. If you do not want to say anything, we will respect your right not to talk with us. If you want to make a statement and answer our questions, anything you do say can be used against you in a court of law. You also have the right to be alone with a lawyer and to talk to him and to be advised by him. After talking to a lawyer, you can also have him present during any time you want to give us a statement and while we are questioning you. If you are not able to afford a lawyer, but you want one before speaking to us, a lawyer will be appointed for you. If you decide to talk to us without a lawyer present, but during our questioning you want to stop and get a lawyer, you have the right to do so and to say nothing more. You are not being promised anything to make a statement or to answer questions and no threats are now, or will be, made against you to have you tell us anything.

Q. Do you understand what I have just told you?
A.

Q. Are you willing to make a voluntary statement after being advised of your rights?
A.

Q. Do you understand that by making this voluntary statement you are waiving your right not to talk to us and to have a lawyer present?
A.

Q. What is your full name and address?
A.

Q. What is your age and date of birth?
A.

Q. What is the highest grade you completed in school and what school did you attend?
A.

Q. Can you read and write?
A.

Q. Are you presently under the influence of alcohol or narcotic drugs?
A.

Q. Do you know what day of the week this is?
A.

Q. Do you know where you are now?
A.

Q. Have you been advised of your rights?
A.

Q. Will you tell us in your own words exactly what you know about _____ (nature of _____ crime, including date and place).

BODY OF STATEMENT

(Let the suspect make the statement in his own words, without interruption. After he finishes, then he can be asked specific questions. If, for any reason, a break is taken in the statement, it should be noted.)

Q. Has anyone beaten, threatened, or intimidated you in any manner in order to obtain this statement?
A.

Q. Has anyone made you any promises, offers of reward, or immunity, in order to obtain this statement?
A.

Q. Then, has this statement been given voluntarily and of your own free will and accord?
A.

(Read this statement to suspect and let suspect read it.)

Q. Has this statement been read to you?
A.

Q. Have you read this statement?
A.

Q. Having read it (or having had it read to you), do you want to make any changes or corrections in it?
A.

Q. Is this statement the truth as you have told it?
A.

Q. Will you sign your name to it?
A.

Statement terminated at _____
(time and date)

This statement, consisting of ( ) pages, which I have initialed, is the truth as I have told it and I sign my name to it.

Signed:_____

WITNESSED:

_____
(officer)

_____
(officer)

The first paragraph of the statement should contain the date, place, identification of the maker, the name of the person to whom the statement is made, acknowledgment that the Miranda warnings have been given, understood and waived by the subject, and acknowledgment that the statement is given voluntarily.

The body of the statement can be given in expository or narrative form. It is important that the statement incorporate all the elements of the crime and the facts that associate the suspect to these statements. If the investigator or a stenographer writes the statement, the suspect should be asked to read and sign each page at the bottom. As an indicator that the suspect has read the statement, he should be asked to correct any typographical errors in reading and to initial the corrections in ink. If the subject fails to recognize the errors, they should be pointed out to him. Each page of the statement should be numbered at the lower right corner: "Page _____ of ___ pages."

The concluding paragraph should state that the subject has read the statement consisting of so many pages and that the statement is true and correct. The subject should then sign the statement in the space provided. Below the signature of the suspect there should be spaces for two witnesses, who will normally be the interviewing or interrogating officers. To have more than two witnesses may connote to the court that the witness or suspect was intimidated by the presence of a large number of officers during the time that the statement was written and signed.

Tape Recorded Statements. There may be occasions when interrogating officers may wish to record a statement, such as when the suspect cannot read or write, or when his knowledge of the English language is deficient. The investigator should bear in mind that, when he records a statement, he must still conduct the normal interrogation first. In tape recording the statement, the officer uses his notes from the first interrogation to develop the taped statement. After the recording is made, the suspect will have to listen to the whole recording to verify the fact that it is a true representation of what he said during the recording session. The prolonged session may make it appear that the suspect might have been under duress, as the whole questioning session might take several hours. Consequently, during the tape recording of the statement, the suspect should be asked if he wants a cigarette or something to drink, or if he wants to go to the bathroom.

At the beginning of the recording, the investigator should identify himself, the suspect, and all other officers in the room, including their ranks and badge numbers. The name of the agency, site of the interrogation, the time and date should be stated. The suspect should be advised of his rights under Miranda, and he should verbally acknowledge that he understands and is willing to waive them. The investigator should state, and the subject should acknowledge, the reason why this particular statement is being recorded.

After the important aspects of the case are covered, the investigator should ask the suspect if he has anything to add to the statement. Afterwards, the officer should then state that he is going to shut off the recorder so that the subject can listen to, and verify, the contents. Once the subject has listened to the recording, the tape recorder should be turned on and he should verbally acknowledge that the contents accurately represent his statement. He should also state that the recorder has not been stopped other than during the time when he was allowed to review the tape. The investigator should then state that this concludes the session. Before he shuts off the recorder, however, he should again give the names of persons in the room and the time and date. During the recording the investigator should identify any persons who enter or leave the room. It is preferable that he give the time of entry or exit. Whether or not the tape is going to be transcribed, the investigator should write his own synopsis of the statement in his case report. The tape should be entered into evidence and processed appropriately.

CHAPTER THREE

# REPORT WRITING*

The investigator must produce an investigative report which contains the pertinent facts of each case in which he becomes involved. The investigative report is primarily a narrative of those incidents that occurred, those things witnessed by the investigator and learned by the investigator, which culminated in the arrest of a suspect. The investigative report of the narcotics investigator in many respects is essentially the same as a follow-up investigation report produced by officers in some other police specialty.

The narcotics investigator's report differs from other types of investigative reports in that the narcotics investigator is normally also the author of all preliminary reports related to the same case. Occasionally the narcotics investigator will work from reports initially filed by a patrol officer, but this is the exception rather than the rule in narcotics work. Furthermore, because of the nature of narcotics investigative work, it is not at all uncommon that the narcotics investigative report is not begun until after the arrest of the suspect. The investigator may also write "intelligence sheets" based on material in his investigative file and contribute this material to operative central intelligence units for evaluation and analysis.

In all of these cases, but most importantly with reference to the investigative report, the investigator must be able to communicate clearly and accurately in writing. The investigative report ultimately becomes the foundation upon which the prosecutor builds his case against the suspect. The report must inform him of all the pertinent facts. It must contain or describe all of the available evidence that can be used at a trial. It must include the names of all potential witnesses (excluding informants who should be given a code name or number), and be an accurate rendering of a past series of events.

In addition to its use by a prosecutor, the investigative report serves a number of other functions. It informs fellow officers about work that has been performed. It Permits superiors to make intelligent decisions concerning coordination and direction of investigative officers. It helps to prevent duplication of effort, and suggests areas where relationships with other units or agencies might be strengthened. The report, unavoidably, also becomes an instrument for evaluating the investigator, particularly in large departments where personal contact between administrators and agents is minimal. Ultimately, the investigative report becomes part of the official memory of the police department. It should be retained for future use even after the case has been "closed." Occasionally a higher court may direct a new trial for a convicted suspect, or the same individual may become the object of another investigation at some future time, in which case the information contained in the original report may provide valuable assistance.

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*Material in this chapter is based on: International Association of Chiefs of Police, Training Keys No. 58, Report Writing; and No. 75, The Investigator's Reports, IACP, Gaithersburg, Md.

Material that is retained in an investigative file (compiled during the progress of an investigation that has not yet produced an arrest) becomes a critically important "progress report" for a fellow officer in the event that the original investigator is re-assigned, injured, or for any other reason is unable to complete the investigation.

The production of good reports requires that an investigator follow certain basic guidelines for report writing. Report writing should aspire to the well known "ABC's" of Accuracy, Brevity, and Completeness. These are the goals. The means to accomplish these goals are provided by the various exercises of research, organization, attention to detail, simplification, and checking and rechecking to be sure that everything is correct.

The first phase of report writing is, of course, the gathering together of all pertinent facts related to the case. To a large extent, therefore, the quality of an investigative report may flow directly from the quantity and quality of notes taken during the progress of an investigation. This ultimate use of notes should be kept in mind by the investigator. He should keep investigative notes as organized and concise, yet complete, as possible in order to make the eventual report writing an easier and more orderly undertaking. Moreover, the possibility always exists that the investigator may have to turn his notes over to defense counsel under a successful motion of discovery.

Organization of the report is extremely important. A poorly organized report may contain accurate facts, but if they are entangled with trivia or buried within paragraphs dealing with unrelated subjects, they may be overlooked or their importance misunderstood. Chronological organization is probably the most commonly used style of report organization. The investigator, however, should not feel bound to a rigid chronological rendering if another form seems more appropriate. The essential point is that the information contained in the report must be organized in such a way that the facts follow upon one another in logical sequence, and the material related to a particular aspect of the investigation can be easily located and understood.

In writing his report, the investigator should assume that the reader knows absolutely nothing about the case other than what he will read in this report. Partially stated facts that assume a certain degree of familiarity on the part of the reader are vulnerable to misinterpretations. They can also be a source of embarrassment, particularly when there is a need to recall supporting details months after an incident has occurred. In addition to listing all investigative leads that were productive, the investigator should make note of undeveloped leads and sources that were checked but which produced no results. Such completeness can prevent considerable time spent duplicating efforts by another investigator.

Obviously, there are instances when it will be impractical to verify every statement that a witness or suspect may make. In these situations, the information can be qualified as hearsay by using phrases such as "alleged to be," "believed to be," and "described as," rather than to make a positive statement of fact. It would be better, however, for the writer to say, "the informant said," or "the witness stated."

Ambiguous words or phrases may force the reader of the report to rely on his judgment to interpret the report, thus presenting the potential for inaccuracy. For example, descriptions such as "medium height," "large amounts of drugs," "early morning," or "late hour" are relative terms forcing the reader to guess what the writer is trying to say. The use of simple, direct language will enhance the accuracy and clarity of the report.

The principle of brevity is also very important. The relevant and essential facts should be reported in a style that makes the report easy to read. Eliminating the repetition of information is an example of this. Another is saving the reader time and

unnecessary work by eliminating superfluous words and phrases that make a report wordy. The following are some common yet unnecessary phrases than can be shortened.

on the occasion of ..... when

in view of the fact that ..... because

make inquiry regarding ....., inquire

with reference to ..... about

give consideration to ..... consider

make a note of ..... note

pursuant to our agreement ..... as we agreed

hold in abeyance ..... postpone

the subject automobile ..... the automobile

The report writer should avoid using the word "subject" when referring to someone in the report. Although he can be more precise by using such words as "suspect," "witness," or "complainant," it would be more accurate and less confusing if the last name of the individual is used in the report. In cases where several individuals have the same last name, full names should be used. Where a person or persons are unknown, they should be described physically and the name "John Doe #1," or "John Doe #2" should be given to each. These names can be subsequently used throughout the report. Whenever the real name of an unknown individual becomes known, it should be noted in a follow-up report that, for example, "John Doe #1" has been identified as _____.

Police officers frequently make errors in reporting the time that an incident or event occurred, such as mistaking 8:00 p.m. for 8:00 a.m. The use of military time eliminates this potential source of error.

Names, addresses, and telephone numbers account for frequent reporting inacuracies. The most practical way for avoiding these kinds of problems is to double check the spelling or numerical sequence before writing. An investigator should also be careful of spelling and punctuation since a spelling error or a misplaced comma or period can change the meaning of a sentence.

One very basic, yet very important, principle to keep in mind during the preparation of the report is to understand that very probably the writer will have to rewrite in order to produce a well-written, comprehensive report. It is the unusual writer indeed who can organize and write a narrative in the best possible way at the first try. More frequently, material will have to be rearranged. Some things will be phrased differently. Some will be expanded or deleted. Assume that a second draft will be necessary. This will permit the thoughts to flow more freely the first time and will produce a more complete and accurate report the second time. Where a second draft is used, the investigator should ascertain from the state's attorney's office whether or not the first draft should be kept in case a motion for discovery is made by the defense attorney.

CHAPTER FOUR

# HANDLING PHYSICAL EVIDENCE

To achieve the maximum benefit from physical evidence, the investigator must not only be skilled in its collection, he must properly handle the evidence and care for it between the time of its collection and the time that it is presented in court.*

The admissibility of a piece of introduced evidence will partially depend upon the manner in which it was collected and the safeguards that were followed to ensure its integrity. Where possible, one investigator should function as an evidence collector. The designation of a collector ensures that all evidence gets recorded and processed at the scene in a uniform and correct manner. It also ensures that a piece of evidence will not be removed until the collector decides that it can be moved and collected. In court, the collector and the investigator who initially discovered the evidence are the ones who may have to testify regarding the evidence. The greatest benefit of using such a specialist is that a uniform procedure of evidence collection is applied and other officers are freed from having to take time to process the evidence back in the office. After the evidence is brought back to the office, the collector can weigh and inventory the evidence, seal it in appropriate containers, and make out the necessary evidence sheets and laboratory analysis reports.

The question invariably arises as to whether an object is or is not evidence. The investigator resolves this question by evaluating the object, the circumstances and conditions at the scene, supporting his decision with good judgment, common sense, and past experiences. If a doubt exists, then the object is secured and processed as evidence. Subsequent re-evaluation will determine the real worth of such evidence to the investigator. The testimony that accompanies the evidence must show that the evidence in issue was found at the scene of the crime, in the possession or in the control of the accused, or is in some manner related to the crime. Moreover, the officer must demonstrate to the court's satisfaction that the evidence was not altered, and that it can be positively identified from all other items that may have similar appearance.

The total accounting for evidence is what is known as the "chain of possession," or the "chain of custody." This chain is made up of all those individuals who have had custody of the evidence since its acquisition by the police agency. Each individual in the chain of custody is responsible for a particular piece of evidence to include its care, safekeeping, and preservation while it is under his control. The chain of possession is established by adhering to the following guidelines:

- The number of persons handling the evidence from the time it is found until it is safely stored should be limited.

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*Procedures for evidence collection at the scene of an arrest or search are outlined in Chapter Eleven, "Search Operations."

- If the evidence leaves the possession of an officer, he should record in his notes to whom the evidence was given, and the date and time, and reason it was turned over.

- Individuals who handle the evidence should affix their names, badge numbers and assignment to the package containing evidence.

- A signed receipt should be obtained from the person accepting the evidence. In turn, a receipt or log should be signed by the investigator when the item is returned to him.

- When a piece of evidence is turned in, the investigator should check his identification mark on it to ensure that it is the same item.

- The investigator, after an item has been returned to him, should determine if the item is in the same condition as when it was discovered. Any change in the physical appearance of the evidence should be called to the attention of the court.

All evidence should be properly marked for identification as soon as it is collected, or as soon as possible thereafter. Solid objects which have a volume of approximately one cubic inch or greater should be marked for identification with the initials of the investigator. The identifying mark should be placed on the container or wrapper containing the evidence rather than on the drugs themselves. Objects which are smaller than one cubic inch in volume should be placed in a safe container, such as a glass bottle. Liquids, if possible, should be retained in their original containers, sealed securely, and marked for identification.

## COUNTING AND WEIGHING

Perhaps the most positive method for providing a later means of determining the current status (amount or quantity) of evidentiary accumulations is requiring all evidence to be weighed soon after it is seized. Certain types of evidence (capsules, pills) should also be counted. Counting should be performed in addition to, not in lieu of, weighing. The loss of small amounts of an encapsuled powdery substance may escape detection if only the capsules are counted; however, good scales can detect a weight loss immediately.

The seizing officer should express the weight of the evidence in gross proportions. The gross weight includes the container or other packaging material used to enclose or hold the evidence, i.e., box, balloon, bottle, or similar item. The items weighed and their gross weights should be noted on the inventory and chain of custody forms or evidence vouchers. If the evidence is of a quantity or configuration which prevents weighing it as an entity, then it must be broken out and weighed by lots.

Prompt destruction of evidence and the institution of additional safeguards assume even greater importance when large amounts of evidence (several kilograms of heroin, for example) having a high street value are concerned. Placed on the scales, "expensive" evidence, if broken up for purposes of weighing, must be subjected to precise readings no matter how many weighings of the subdivided evidence are required. A loss of three or four grams from an overall total of two kilograms of heroin assumes far greater significance than the loss of a pound or two from a ton of marihuana. Altogether, a check of the evidence's weight at various points along the processing sequence provides the best indication of the effectiveness of evidential security measures.

Considerable thought should be given to the selection and procurement of the type of scales to be used in the weighing of evidence. Since so many factors in the

processing sequence are affected by a variation in the weight of the evidence, highly accurate, dependable scales should be employed for determining this evidential characteristic. Besides scales which can measure fractions of a gram, units will also need, or have access to, scales which can be used to weigh kilograms. Instructions on the method of operating the more sensitive scales to be used for evidence weighing should be given to all personnel who may become involved in this operation. The manner in which evidence is to be placed on the scales and the method of reading the scales should be among the topics covered during a discussion of the scale's characteristics. Calibrating the scales (and certifying to their accuracy) should be made the responsibility of the chief laboratory technician. Frequent tests and inspections of the scales' operation should be performed. At times there may be a variance in the weight measurements of the same item by two different types of scales. Therefore, the type of scale used in weighing evidence should be mentioned in the case report. This will enable the chemist to go into detail if he is questioned on the witness stand regarding any difference (due to the types of scales used) in the weight of the evidence as reported by the officer and the laboratory chemist.

In computing the net weight of a large number of containers containing powder-type evidence, the entire exhibit is weighed to obtain the gross weight. At least three empty containers similar to the ones which are used in the exhibit should be weighed and the average weight of a container determined. This weight should then be multiplied by the number of containers in the exhibit. This total should be subtracted from the total gross weight of the exhibit and the result is the net weight.

In determining the total number of tablets, the actual count should be given when the number is 100 or less. When the number of tablets is large, 100 tablets may be weighed and that weight can then be divided into the total net weight. The resulting number is then multiplied by one hundred and this result is the approximate number of tablets. Both the weight and quantity of the tablets should be reported as being approximate.

In cases where the unit has illicit drugs in powder form which is contained in capsules, the amount should be reported by gross weight and number. In cases which involve drugs of legitimate pharmaceutical origin, the amount should be reported by total number only.

Liquid volume should be estimated in metric units. If the container in which it was found has no stopper or method of sealing itself, the liquid should be transferred to a clean, glass-stoppered bottle and sealed with adhesive tape.

Marihuana, in brick form, should be reported in the gross weight of the entire exhibit. Marihuana in bulk form should be given in gross weight and in metric units. When plants which are few in number are found growing, they should be counted. If they are numerous and in a large area, they should be photographed. The area should be measured, in approximate figures if need be, and the plants pulled or burned. If no criminal violation is involved, the plants should be reported on an investigative or evidence report and either destroyed or submitted to a lab for destruction.

Extremely large quantities (a ton of marihuana, for example) may be weighed on warehouse scales, not necessarily to gain an accurate weight, but more to obtain an idea of the amount involved. A pound or two variance in a ton of marihuana makes little difference to a court insofar as criminal charges and sentencing are concerned, but any variance is a matter of concern when theft or pilferage of evidence may be involved. It is for this reason, that additional security measures must be instituted when substantial narcotics and dangerous drugs seizures are affected. It is also for this reason that extra effort should be directed toward obtaining judicial sanction to present photographs of evidence in lieu of physical evidence during court proceedings.

SEALING AND LABELING EVIDENCE

Once the narcotics evidence has been counted and weighed, it must be properly preserved, sealed, and labeled. All exhibits should be packed in such a way as to minimize breakage and loss in transit. Laboratories frequently receive broken tablets and capsules that have been shipped loosely. This makes recovery for analysis difficult. Therefore, cotton or some other soft, non-contaminating material should be placed in all containers to immobilize tablets and capsules. Moreover, tablets, capsules, or other small items should never be put in contact with pressure-sensitive tape. In the case of tablets, the surface in contact with the tape is destroyed for forensic purposes. Also, an interaction may occur between the samples and the solvents and plasticizers in the pressure-sensitive coating on the tape.

Powder, pills, and capsules should not be placed within an evidence container such as an envelope unless they have first been provided with some form of immediate primary protection, known as an "interior" container. This would be, for example, a polyester bag, bottle, or pill box. Plastic vials, used as containers for small items, must also be protected against damage. They are brittle and are frequently broken with attendant damage to the evidence. Caps of all containers should be secured so that they do not work loose in transit. The fit and suitability of the closure should also be considered.

When dealing with liquids, consideration should be given to whether or not there will be any danger of interaction between the liquid and the container and/or the type of closure. Sticky materials (opium, hashish, etc.) should not be put in contact with materials such as unglazed paper. Contamination of the sample can occur and the entire sample is seldom recovered. Also, wet material such as plant material should be dried before packaging. If shipped before drying, such material will often decompose before it can be examined. This destroys the microscopic features which are necessary for identification. Also the decomposition and mold growth produce volatile amines and other substances which can give misleading analytical results.

The proper sealing of evidence is important to preserve the integrity of the evidence. It ensures the court and the unit that the evidence container has not been opened and the evidence tampered with. Such sealing can be done by using such things as heat sealed envelopes or an evidence seal tape. Each type of evidence should be placed in a separate container. The investigator should seal pill boxes, envelopes, test tubes, jars, bottles, and cartons containing evidence in such a manner that they cannot be opened without breaking the seal. If an officer breaks the seal affixed to the container, he should write his name or number across the sealed flap of the evidence envelope.

After the physical evidence is marked, counted, weighed, and placed securely within a sealed container, a label is affixed which contains identifying information. The following details should be listed on the label:

- Case number
- Exhibit number (when a number of items are seized)
- Date and time the evidence was found
- Name and description of the articles
- Location at time of discovery
- Signature or initials of investigator who made the discovery
- Names or initials of witnesses to the discovery

- Other types of information may be called for, depending on departmental procedure. As a practical consideration, when the exhibit is a small item, space may only allow for the case number, exhibit number, date and time, and the initials of the police officer. If needed, all other information will be on the evidence report.

Every effort should be made to obtain good quality color photographs of narcotics and dangerous drugs evidence. Such photographs are especially important in cases involving extremely large seizures since these bulk seizures are not taken into the courtroom and they may, in fact, be destroyed before the trial. Besides offering proof that the evidence existed, the photographs can show the jury what large quantities of that particular narcotic look like. If possible, photographs of the evidence should be made at the time of seizure. Once the evidence is in custody, a photograph of its contents will also aid in strengthening the chain of custody and provide a graphic substantiation to written reports. Evidence photographs should single out individual items in a particular cache as well as present an overall view of the entire lot. Information pertaining to the seizure of the evidence should be included in the photograph. This includes the date, time, and place of seizure, and the arrest or complaint number. This information can be printed on labels or cards and placed beside or on the evidence when photographed. The evidence can also be linked to the seizing officer by having his name on the label or card.

RECEIPT FORMS

Most law enforcement agencies have existing policies and forms for the receipt, storage, and handling of evidence. It may be assumed that the narcotic unit will follow these procedures. However, there are some considerations wherein the unit, because of the sensitivity and potential embarrassment caused by the type of evidence it handles, must exceed the bound of the normal evidence handling procedures. The loss of a regular piece of evidence of the department, such as a bicycle or a television set, is probably not considered as serious as misplacing and losing even a small quantity of heroin.

The department or unit, therefore, should utilize an evidence receipt form. This form should have at least three copies. The original and first carbon are presented to the evidence custodian, the second copy is given to the officer from whom the property was originally received, and the third copy is placed in the report file. The form should have the following information on it:

1) Complaint or case number

2) Person who seized or otherwise obtained the evidence

3) Name and address of the person from whom the property was obtained, if applicable

4) Location of the property at the time it was found. If evidence was seized from an individual, it should note exactly where on his person the evidence was found, e.g., right coat pocket of suspect #1, Jones.

5) Purpose for which the evidence was obtained. Normally an item is obtained for evaluation as evidence of a sale or possession charge against a suspect.

6) Item numbers should be assigned. Each item of evidence should be listed in numerical sequence, depending on where they are found.

For example, if a number of items are found together, they can be tagged as "1a," "1b," "1c," etc. If items are found separately, they can be listed as "1," "2," "3," etc.

7) Quantity of each specific item of evidence acquired (e.g., Item #1, 1/2 kilo, heroin)

8) Description of the articles should be detailed, accurate, and based upon what is actually observed about the object at the time is is acquired. The physical characteristics and condition of the item, especially if the item is valuable, should be described although the value of the item, estimated or otherwise, should not be listed.

To maintain the proper chain of custody, the names of persons relinquishing and receiving the items and the purpose for the custody change should be written on the evidence form. See Figure 1 for an example of an evidence form.

TRANSMITTAL TO LABORATORY

Most law enforcement agencies at the state, county, and local levels do not have crime laboratories that are part of that agency. Moreover, where a laboratory exists within the organization, the field investigator may be removed geographically from the lab. Therefore, transmittal may become a problem. Evidence may be shipped to a laboratory for analysis by a variety of different means including air express, personal courier, express delivery company, and U.S. mail.

The method of transmittal, obviously, is dependent on the type of evidence to be transmitted, the distance from the laboratory, and the urgency in receiving the results of the laboratory analysis. The ideal might be for the investigator who is requesting the laboratory examination to personally turn over the evidence to the laboratory. Express companies should be used if registered mail is not possible due to size or weight. If express companies are used, shipping records and receipts should be maintained in the case file. If evidence is mailed to the laboratory for analysis, it should go by registered mail with return receipt requested, and the original register receipt should be included in the case file or affixed to the original copy of the report. If the evidence is hand-carried to an evidence technician, the transferring officer should get a receipt which includes the following data:

A. Description of the evidence

B. Case number

C. Defendant's name

D. Date and time the evidence was submitted for analysis

E. Signature of the person receiving the evidence

All evidence sent to a Drug Enforcement Administration laboratory must be accompanied by a letter of transmittal which includes the following:

A. Case number

B. Defendant's name

C. Defendant's booking or identification number

D. Date, time and place of seizure

Figure 1: EVIDENCE FORM

Report No. _____

RECORDS AND IDENTIFICATION PROPERTY CONTROL

Check One: /_/Found Evidence /_/Safekeeping /_/Found Property Crime Class____

Name of Owner_____ Res. Address_____ Res. Phone_____

Bus. Address_____ Bus. Phone_____

Name of Victim_____ Res. Address_____ Res. Phone_____

Bus. Address_____ Bus. Phone_____

Name of Finder_____ Res. Address_____ Res. Phone_____

Bus. Address_____ Bus. Phone_____

Name of Arrestee_____ Booking No._____ Charge_____

Name of Arrestee_____ Booking No._____ Charge_____

SAFEKEEPING ONLY: When to be Released_____ To Whom_____

Date and Time Property Obtained_____ Location of Occurrence_____

Property Received and Report Written By _____ Emp. No._____

Received by (Prop. Officer)_____ Date_____ Time_____

| ITEM NO. | QUANTITY | Itemize, Describe, List all Serial Numbers of Each Listing. Only One Article on a Line. Space Between Articles. | SERIAL NO. |
|---|---|---|---|
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

EVIDENCE CONTROL

Received By_____ Reason_____ Date and Time_____

Received By_____ Reason_____ Date and Time_____

Received By_____ Reason_____ Date and Time_____

Received By_____ Reason_____ Date and Time_____

Received By_____ Reason_____ Date and Time_____

Received By_____ Reason_____ Date and Time_____

PROPERTY ENVELOPE

E. Date and letter of transmittal

F. Brief summation of facts

G. Instructions regarding what is to be done with the evidence

H. Results of field tests or any other information regarding the identification of the substance

I. Name of the laboratory chemist who may have done an analysis on previous purchases or seizures from the same defendant as part of this same investigation. The purpose of this is to reduce the number of chemists appearing in court.

J. Name and address of the requesting police department

K. Name of the person to whom the report should be made

L. Name of the investigator writing the letter of transmittal

DESTRUCTION OF EVIDENCE

In general, responsibility for the destruction of narcotics and dangerous drugs evidence rests initially with either the court in which the attendant case was tried or with the law enforcement agency which seized or found and preserved the evidence. In some jurisdictions, once the narcotics and dangerous drugs evidence is introduced into the legal proceedings and accepted as evidence in the case under consideration, the court retains the evidence and preserves it until destruction. In this instance, the evidence is not returned to the law enforcement agency which formerly maintained custody of the item. However, narcotics and dangerous drugs items not accepted by the court as evidence are returned to the agency whose member physically transported the items to the court for the purpose of introducing them as evidence.

In other jurisdictions, all narcotics and dangerous drugs items, whether or not they are accepted as evidence by the court, are returned to the agency which brought the items to court to be introduced as evidence. In these jurisdictions, then, once the law enforcement agency seizes and preserves narcotics and dangerous drugs evidence, it receives concomitantly the full burden for the eventual and proper destruction or other disposition of that evidence—often with little guidance or assistance from the court concerned. As a consequence, narcotics and dangerous drugs evidence accumulates in the evidence room because no one authority will assume responsibility for ordering the destruction of the evidence in question. Two disadvantages accruing to the police agency are immediately apparent—

- First, the property room rapidly becomes cluttered with old and legally worthless evidence which becomes increasingly expensive to maintain in terms of man-hours and space requirements.

- Second, the greater amount of narcotics and dangerous drugs evidence on hand, the greater is the possibility that it may be lost, stolen, or disposed of in other illegal fashions.

Actual destruction of the evidence is normally accomplished by incineration. No fewer than two witnesses should observe and certify to the destruction of narcotics and dangerous drugs evidence. In some jurisdictions, seized narcotics and dangerous drugs evidence having medical usefulness is disposed of by transferring it to a medical facility for such use as may be prescribed by a physician. Extreme care should be exercised by the law enforcement agency concerned if the latter method of narcotics and

dangerous drugs evidence disposal is employed. The initiative to obtain judicial approval for the disposal of narcotics and dangerous drugs evidence by transferring it to a medical facility should be generated by a medical authority. The law enforcement agency involved should act only upon proper documentation and should not be required to vouch for the quantitative or qualitative characteristics of the evidence in question—only that the items being transferred represent the evidence referred to in the relevant document.

A "certificate of destruction" should be made out when the evidence is to be destroyed by the unit. This certificate should include the following data:

- Unit case number
- Court docket number
- Name of defendant
- Case disposition
- Judge or magistrate authorizing the destruction
- Type of narcotic or drug
- Amount destroyed
- Time, date, and location of destruction

The certificate should then be signed by the individual who destroyed the evidence and the witnessing officer. A copy of the certificate should be given to the court and the original kept in the case file that pertains to that case. It should be standard procedure that either the unit commander or one of the supervisors be present when the evidence is destroyed. Furthermore, it should be mandatory that a random sample of the evidence be analyzed prior to destruction, to verify the fact that the evidence has not been altered or substituted.

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CHAPTER FIVE

# CASE PREPARATION*

While case preparation in its broadest interpretation can be said to begin the moment that an officer initiates a case, the term is here used to describe only those actions taken by the officer after making an arrest and completing the investigation. Before a court appearance the officer prepares himself, the prosecutor and the witnesses for the presentation of the case in court. Preparing an adequate case for court generally consists of documenting everything of significance that takes place during an investigation leading to an arrest. From all the case file materials and field notes, the officer prepares a condensed prosecution report.

## THE PROSECUTION REPORT

The prosecution report provides a formal procedure for the officer to organize is case for prosecution. It provides assistance to the prosecutor by outlining the ase, listing witnesses, and describing evidence. The prosecution report should show how the incident was brought to the investigator's attention, the more important investigative activity undertaken and its results, and the circumstances of the arrest. Such a summary is important since it is not uncommon for a trial to be held several months or a year after an arrest. Because of this factor, it is important that the prosecution report, while organizing material briefly and succinctly, remain as comprehensive as possible in reference to pertinent information and activities.

The accompanying reproduction is a prosecution report developed by the International Association of Chiefs of Police. Regardless of whether this report or some other form is used, the report should include the same basic information. It is important to note that an important element in the report is a description of the investigator's probable cause to conduct any search that was important to the case. This information should be recorded in section 15 of the sample prosecution report as illustrated below.

Additional instructions for use of the sample prosecution report include the following notes. Paragraph numbers correspond to section numbers on the prosecution report.

1) Defendant's name should be written last name first, then first name, then middle initial. This simplifies filing and handling. If co-defendants are named, they should be similarly listed in section 13. If more space is needed, additional co-defendants can be listed in section 15.

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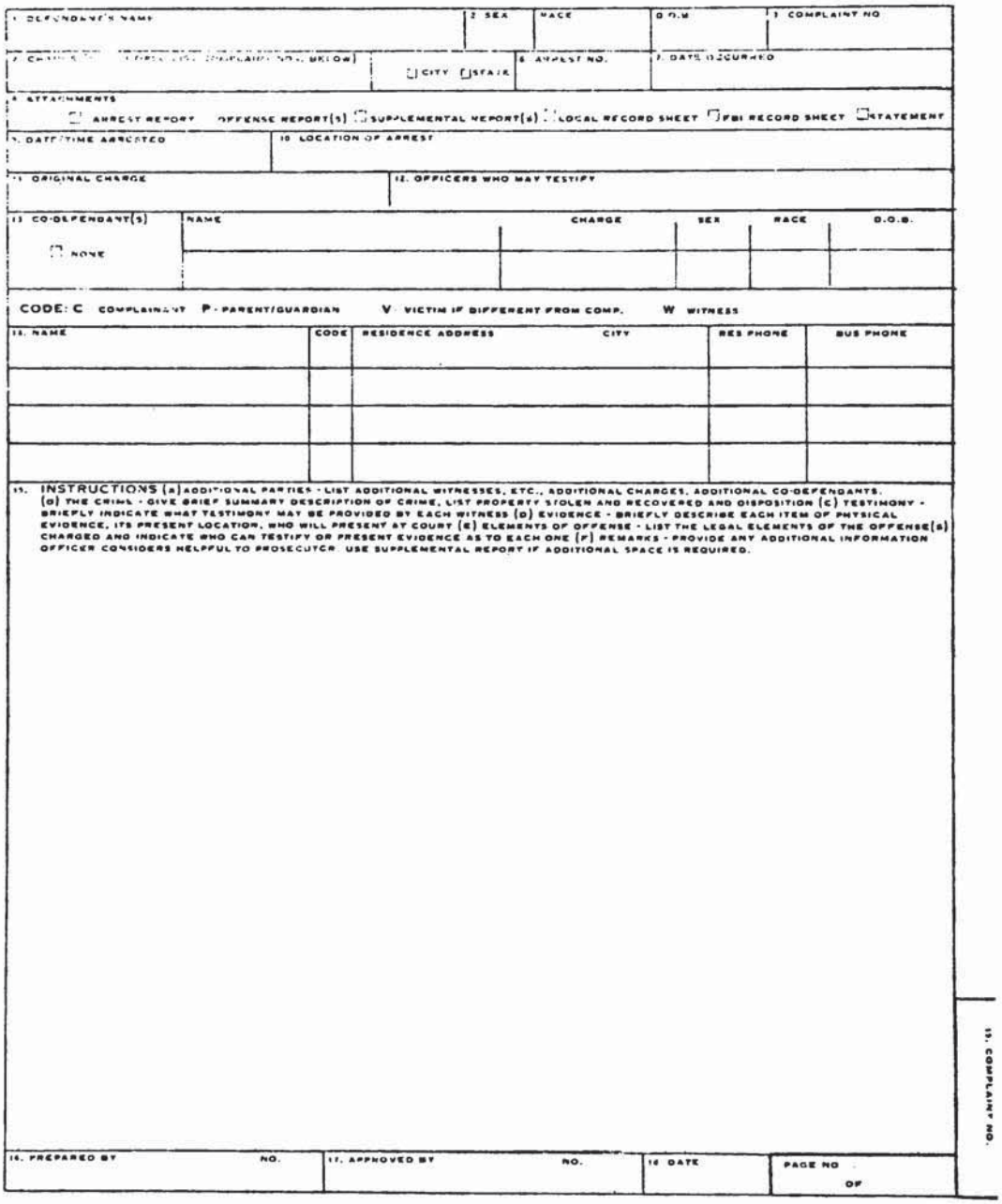
*Material in this chapter is based on: International Association of Chiefs of Police, Training Keys No. 225, Case Preparation; and No. 84, Follow-up Investigation, IACP, Gaithersburg, Md.

Figure 1: PROSECUTION REPORT


1. DEFENDANT'S NAME | 2 SEX | RACE | D.O.B | 3 COMPLAINT NO

4 CHARGE(S) (LIST ADDITIONAL COMPLAINT NOS. BELOW) | ☐ CITY ☐ STATE | 6 ARREST NO. | 7. DATE OCCURRED

8 ATTACHMENTS
☐ ARREST REPORT ☐ OFFENSE REPORT(S) ☐ SUPPLEMENTAL REPORT(S) ☐ LOCAL RECORD SHEET ☐ FBI RECORD SHEET ☐ STATEMENT

9. DATE/TIME ARRESTED | 10 LOCATION OF ARREST

11 ORIGINAL CHARGE | 12. OFFICERS WHO MAY TESTIFY

13 CO-DEFENDANT(S) ☐ NONE

| NAME | CHARGE | SEX | RACE | D.O.B. |
|---|---|---|---|---|
| | | | | |

CODE: C COMPLAINANT P - PARENT/GUARDIAN V VICTIM IF DIFFERENT FROM COMP. W WITNESS

| 14. NAME | CODE | RESIDENCE ADDRESS CITY | RES PHONE | BUS PHONE |
|---|---|---|---|---|
| | | | | |
| | | | | |
| | | | | |

15. INSTRUCTIONS (a) ADDITIONAL PARTIES - LIST ADDITIONAL WITNESSES, ETC., ADDITIONAL CHARGES, ADDITIONAL CO-DEFENDANTS. (b) THE CRIME - GIVE BRIEF SUMMARY DESCRIPTION OF CRIME, LIST PROPERTY STOLEN AND RECOVERED AND DISPOSITION (c) TESTIMONY - BRIEFLY INDICATE WHAT TESTIMONY MAY BE PROVIDED BY EACH WITNESS (d) EVIDENCE - BRIEFLY DESCRIBE EACH ITEM OF PHYSICAL EVIDENCE, ITS PRESENT LOCATION, WHO WILL PRESENT AT COURT (e) ELEMENTS OF OFFENSE - LIST THE LEGAL ELEMENTS OF THE OFFENSE(S) CHARGED AND INDICATE WHO CAN TESTIFY OR PRESENT EVIDENCE AS TO EACH ONE (f) REMARKS - PROVIDE ANY ADDITIONAL INFORMATION OFFICER CONSIDERS HELPFUL TO PROSECUTOR USE SUPPLEMENTAL REPORT IF ADDITIONAL SPACE IS REQUIRED.

| 16. PREPARED BY NO. | 17. APPROVED BY NO. | 18 DATE | PAGE NO OF |
|---|---|---|---|
| | | | |

19. COMPLAINT NO.

3) The police department central complaint number is written in two places on this form. Include here and at lower right hand edge in section 19. Assists filing.

4) If more than one charge is placed against a defendant, the most serious charge is customarily listed in section 4 and any related charges or other charges are listed within section 15.

5) Check appropriate box to indicate jurisdiction where charge is filed.

7) Show date that offense occurred. Not arrest date.

8) Check boxes to indicate documents and reports provided with this basic prosecution report. Accompanying documents should be submitted at the same time and preferably attached to or packaged with the prosecution report.

10) Location of arrest should be described in detail: intersection, house address, name of establishment, etc. Not merely name of city.

11) Original charge at time of arrest may have been changed by time of trial. If so, list original charge here.

12) Provide name of officer or officers who can provide the best testimony concerning details of investigation or arrest.

14) List names and addresses of complainant, parents, victim, and witnesses, using the identifying code letters provided. If additional space is needed, include names in section 15.

15) In addition to listing items omitted from previous sections, the officer should use this section to write a brief, well-organized narrative of the case. Use items referred to in instructions as a checklist to assure that all important items have been included.

While the formal prosecution report is completed for the purpose of assisting the prosecutor, it is obvious that the process also provides the investigating officer with an opportunity to refresh his own memory and get his notes organized before an appearance in court. The case file should be reviewed by a supervisor at this time and any questionable or unclear material should be discussed.

## PRE-TRIAL CONFERENCE

Thorough case preparation requires close cooperation between the police officer and the prosecuting attorney. It makes little sense for a police officer to conduct a lengthy and complicated investigation if the attorney does not intend to prosecute the case. By working together, the prosecutor and the police avoid wasting time on cases where charges are dropped due to insufficient evidence or other legal weaknesses.

A pre-trial conference between the investigator and the prosecutor is essential for a thorough case preparation. Technically, the prosecutor should initiate this pre-trial conference, but it is well to keep in mind the fact that prosecutors are often very busy, and it is all too easy to neglect this aspect of case preparation until the last minute. It is good procedure for the investigator to routinely contact the office of the prosecutor several weeks before a case is scheduled for trial to inquire about preferred time and place for the pre-trial conference.

At the pre-trial conference, the officer can discuss the case in a less formal manner than was possible in the brief prosecution report. He may be able to assist the prosecutor in a number of ways to make the case stronger. Through conversation at this conference, the prosecutor becomes aware of exactly what testimony can be provided by the officer. Secondly, any obscure or unclear aspects of the prosecution report can be discussed and clarified. Since the investigating officer is more familiar with persons involved in the case, he can usually provide helpful information about the personalities of defendants or witnesses. In summary, the pre-trial conference leaves the prosecutor in a stronger position to effectively prosecute the case when it comes to trial.

PREPARATION OF WITNESSES

The prosecutor may use the occasion of the pre-trial conference to also interview key witnesses who will testify during the trial. Alternatively, he may leave the task of witness preparation to the investigating officer. When the latter is the case, the officer must be careful to adequately prepare the witness for his courtroom experience without doing anything that might possibly embarrass the prosecutor at the time of the trial.

For instance, witnesses should be made aware of the fact that they are not legally obligated to discuss the case with a defendant or the defendant's attorney before the trial. The officer should not tell the witness to avoid talking about the case with the defense. Instead, the witness should merely be informed of those things that he is required to do and those things that he is not required to do. Whether or not he then chooses to discuss the case with the defense is his own decision.

Since most civilian witnesses do not have previous courtroom experience, it falls to the investigating officer to prepare these persons for their day in court. Witnesses may be very nervous about the situation, partly because they do not know what to expect. The officer should take time to explain basic courtroom procedures to the witness. A brief explanation of the respective roles of the prosecutor, the defense attorney, judge and jury may be helpful. A brief explanation of normal trial progression (opening statements, introduction of evidence, calling of witnesses, closing statements, etc.) may also be helpful. Preparation of this sort can relieve considerable anxiety on the part of the witness. In court, his more relaxed manner may result in better testimony and a more favorable impression on the jury.

Witnesses must expect to be cross-examined by the defense attorney. Witnesses should be warned about certain courtroom tactics often used to discredit testimony. Specifically, they should be prepared for the possibility that the defense attorney may attempt to embarrass, anger or confuse the witness. By extracting an emotional outburst or making the witness appear confused about certain details, the defense hopes to imply that other testimony from the same witness is similarly marred by emotion or confusion.

It often happens that key witnesses in cases involving narcotics violations are fellow police officers. Such witnesses might include undercover officers, surveillance officers, or officers who participated in a raid or discovered contraband during a search operation. The primary investigating officer must contact these officers prior to the date of trial to be sure that they are also prepared. All officers who are to testify in court should review the case file, in particular those reports written by themselves, preliminary to a court appearance.

SELF PREPARATION

The investigator's final pre-trial task is to prepare himself for the courtroom. In general, the police officer should check all personal notes and police reports pertaining to the case at hand. The officer should be certain that he has at his fingertips the answers to all of the "who, what, when, where, why, and how" questions that may be asked.

If the officer has made thorough notes, the lapse of time between the completion of his investigation and his appearance in court will not detract from his testimony. Most persons cannot recall facts such as dates, times, weather conditions, distances, and measurements without referring to notes. The court recognizes this and permits officers to use their original notes to refresh their recollections while testifying.

The notes should be on loose-leaf paper contained in a binder. Only those notes to be used in the trial should be brought to court, since the defense attorney has the right to inspect the officer's notes if he is using them to testify. There have been instances where the defense attorney has found other items in an officer's notebook that served to confuse the case and impeach the officer's testimony.

Preliminary to his appearance in court, the investigating officer should take time to thoroughly review the following aspects of the case.

- Elements and details of the offense
- Probable cause for arrest and search
- Defendant's story
- Confession of suspect
- Prior statements and testimony of witnesses
- Reliability and credibility of informants
- Warrants and affidavits
- Physical evidence
- Exhibits, sketches, diagrams

The investigator should review and practice his presentation of all physical evidence. The verdict of the jury often hinges on the quality and quantity of physical evidence. Officers must be able to recall all the circumstances regarding the collection and preservation of evidence.

When an investigator is responsible for preparing photographs, they should be mounted and labeled appropriately. Crime scene sketches should be neat, drawn to scale, and large enough to be seen by all the jurors. Any equipment to be used during the investigator's presentation should be checked to ensure that it is in good working order.

Finally, the police officer's mental preparation for testifying in court is no less important than his knowledge of the case. The prospect of speaking in front of a judge, jury, lawyers, and fellow officers may produce feelings of anxiety, nervousness, and tension. These are normal emotions that can be controlled and to some extent prevented. If the investigator has made a thorough investigation, has the facts well arranged, and has taken all the other steps needed for proper case preparation, his demeanor will almost certainly communicate a fundamental self-confidence in his command

of that material. Armed by a thorough, professional job of case preparation, the investigator need have no anxiety about his performance in court.

## CHAPTER SIX

## TESTIFYING IN COURT*

Effective courtroom presentation is primarily a matter of confidence. The confident officer—the officer who is completely familiar with the facts of his case as well as general courtroom procedure—finds testifying to be a positive experience. He leaves the court knowing that he did his job well. Regardless of the outcome of the trial, the officer is not plagued with doubts or second thoughts concerning his role in the proceedings.

### PERSONAL APPEARANCE

Although it is common knowledge that a person's appearance is not necessarily related to his character and indeed can be manipulated to impress falsely, there is no doubt that the personal appearance of witnesses influences a jury's opinion of their testimony. The importance of courtroom appearance is perhaps best illustrated by the dress of most defendants. The defense counsel usually instructs the defendant to appear in court well-groomed and neatly dressed to project a clean-cut image. Attorneys themselves are professionally concerned with gaining the acceptance of the jury and the judge. Attorneys typically are well-groomed and wear stylish suits of good taste.

The officer's appearance should similarly be non-offensive. When the officer is wearing civilian dress rather than a uniform a clean, well-pressed business suit, a plain tie, and a conservative shirt will make the best impression. Shined shoes and color-coordinated socks should also be worn. Pockets should not be loaded down with papers, cigarettes, or other objects. Weapons should not be carried, if possible. When it is necessary to carry a weapon, it should be worn so that it is not visible. The officer should be clean shaven, his hair neatly trimmed, and his hands and fingernails completely clean.

### PRE-TRIAL ACTIVITIES

The case officer should arrive at the assigned court early to attend to remaining details prior to trial. Upon arrival, he should meet with the prosecutor to determine whether any last minute points must be discussed. The officer should locate, greet, and introduce each witness and victim to the prosecutor. He should have the name, address, and phone number of every witness so that he may attempt to contact any who are not present in court. He should also locate the defendant, whose appearance is likely to be quite different from when he was arrested.

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*Material in this chapter is based on: International Association of Chiefs of Police, Training Keys No. 247, Criminal Court; and No. 248, The Police Officer in Court, IACP, Gaithersburg, Md.

The officer must be careful of the impression he makes before court convenes. A slight comment, such as, "I hope the court decides quickly so I can get out of here" may lead others to believe that the officer does not consider the court hearing very important. While in court, officers should avoid socializing with one another prior to the trial.

## BASIC TRIAL PROCEDURE

The right to a speedy, public, and impartial trial by jury is guaranteed every citizen by the United States Constitution as well as state constitutions. In most states, a criminal defendant is entitled to a jury trial in all cases except those for petty offenses. He may choose, however, to waive his right to a jury trial with the approval of the court.

When a case is tried without a jury, the judge performs the jury's function of weighing the evidence, determining the credibility of witnesses, finding the facts, and ultimately issuing a verdict. In a jury trial, the selection of the jurors (called the voir dire examination) is governed by detailed rules designed to protect both the state and the defendant from persons who may be prejudiced against either side.

Trials begin with the opening statement of the prosecuting attorney who outlines what he intends to prove by the evidence to be submitted. Following this, the defense counsel may immediately summarize his view of the case or wait until the prosecutor has presented the state's evidence before giving his opening statement and revealing his defense strategy.

Following the opening statements, the prosecutor begins to introduce the state's case. The state presents its evidence first because it must prove the defendant's guilt beyond a reasonable doubt. This is the so-called standard of proof in criminal cases. Probability of guilt is not sufficient, nor is the defense required to prove innocence.

Presentation of evidence begins with the direct examination of the prosecution's witnesses. The purpose of this examination is to produce evidence that proves the state's case against the defendant. Law enforcement officers are usually involved as witnesses for the prosecution.

The defense counsel has a right to cross-examine witnesses for the prosecution. The purpose of cross-examination is usually to discredit the testimony of the witness or to impeach his credibility. In some states, however, the defense attorney is not limited in his questioning to issues raised by the prosecutor and he may cross-examine the witness concerning any matter which is relevant to the case.

The prosecutor may then wish to conduct a redirect examination to clarify evidence that may have become distorted during cross-examination. Unlike cross-examination, the scope of redirect examination is limited to matters brought out in the previous examination by the defense. The same is true if the defense counsel wishes to conduct a recross-examination.

The defense counsel may also call witnesses for direct examination. The prosecution can cross-examine each of the defense witnesses, just as the defense attorney cross-examines the state's witnesses. The defendant may choose to testify; however, he has a constitutional right, protecting him from self-incrimination, to not testify. If the defendant testifies, he is treated much like any other witness.

After the defense has presented its case, the prosecution may submit rebuttal proof to contradict the evidence presented by the defense. Rebuttal proof is limited to new matters brought out during the defense counsel's presentation of evidence. The

police officer may be recalled as a witness at this stage of the prosecution to correct any errors or misleading impressions resulting from the defense counsel's presentation.

After all the evidence has been brought forth, both the prosecutor and the defense attorney are given an opportunity to present final arguments to convince the court of the validity of their positions. The prosecuting attorney presents his argument first, followed by the defense counsel. After the defense argument, the prosecutor is allowed to present a short, closing rebuttal.

The attorneys for both sides typically use their wit and imagination in an attempt to convince the jury of their respective positions. However, their arguments must be related to the evidence presented and reasonable inferences to be derived from that evidence.

## THE INVESTIGATOR'S TESTIMONY

When the officer is called to testify, he should approach the witness stand in a businesslike fashion. He should take the oath in an attentive and sincere manner even though it may be administered in a routine, hurried way. The officer should position himself in the witness chair so that he has a full view of the jury and the attorneys. He should sit erect with both feet on the floor and his hands on the chair arms or in his lap.

Another important factor in effective presentation of testimony is oral delivery. Most testimony is given verbally, and the officer's voice and style of speech must convey the same image that his dress and demeanor express. The officer should speak in a moderate tone but loud enough so that all of the jurors can hear him. He should speak to both the attorneys and the jury and maintain eye contact with all parties when appropriate.

The officer should always be courteous in addressing the judge or attorneys. The use of "your Honor" when responding to the judge and "sir" when answering the attorneys is appropriate and desirable. The officer should always testify factually and directly with no trace of prejudice against the defendant or animosity toward the defense counsel. The defense attorney may try to bait the officer into making sarcastic or derogatory remarks. When this kind of tactic is employed, the officer must exercise verbal control by remaining calm and replying in a straightforward manner. See the following chart, which lists common defense tactics and the appropriate response by the narcotics investigator.

The officer's testimony should always be in reference to the facts of the case with which he is involved. When questions that call for replies qualified by "in my opinion" or "I think" are directed to the officer, he should wait for the prosecutor to object. If the prosecutor does not object, the officer may request a conference with the prosecutor, explaining his concern that the question will require him to draw a conclusion or render an opinion that only a person qualified by the court as an expert witness should answer. The officer who guesses in court not only offers valueless information; he also demonstrates a lack of concern for his duty as a witness and may inadvertently provide grounds for a mistrial or reversal by an appellate court.

A good prosecutor enters the courtroom with a strategy as to how to most effectively present the case against the defendant. However, the prosecutor's specific strategy may not be known to the police officer, and he must allow the prosecutor to guide him through presentation of the testimony. The prosecutor develops the officer's testimony to favorably influence the court and to avoid weakness that the defense counsel may use to advantage. As a result, the prosecutor may choose to avoid certain points during cross-examination because he is saving the testimony for rebuttal at a later time or he wishes the defense to address the issue first during cross-examination.

Figure 1: COMMON TACTICS OF DEFENSE COUNSEL

| COUNSEL'S TACTIC | EXAMPLE | PURPOSE | OFFICER'S RESPONSE |
|---|---|---|---|
| Condescending counsel | Benevolent in his approach, over-sympathetic in questions to the point of ridicule | To give the impression that the witness is inept, lacks confidence or may not be a reliable witness | Firm decisive answers, asking for the question to be repeated if improperly phrased |
| Friendly counsel | Very courteous, polite, questions tend to take witness into his confidence | To lull the witness into a false sense of security where he will give answers in favor of the defense | Stay alert; bear in mind that purpose of defense is to discredit or diminish the effect of your testimony. |
| Badgering, belligerent | Counsel staring you right in the face, shouts, "That is so, isn't it, officer?" | To make the witness angry so that he loses his sense of logic and calmness; Generally, rapid questions will also be included in this approach. | Stay calm, speak in a deliberate voice giving prosecutor time to make appropriate objections. |
| Restrictive question | "Did you discuss this case with anyone?" | A "no" answer will place the officer in a position of denying that he has had pre-trial conferences. A "yes" answer would be used to indicate the officer has been told how to testify. | "I have discussed the case with the prosecuting attorney and other officers working on the case." |
| Suggestive question (tends to be a leading question allowable on cross-examination) | "Was the color of the car blue?" | To suggest an answer to his question in an attempt to confuse or to lead the witness | Concentrate carefully on the facts, disregard the suggestion. Answer the question. |
| Demanding a "yes" or "no" answer to a question needing explanation | "Did you strike the defendant with your club?" | To prevent all pertinent and mitigating details from being considered by the jury | Explain the answer to the question; if stopped by the counsel demanding a "yes" or "no" answer, pause until the court instructs you to answer in your own words. |
| Reversing witness's words | Witness answers, "The accident occurred 27 ft. from the intersection." Counsel says, "You say the accident occurred 72 ft. from the intersection?" | To confuse the witness and demonstrate a lack of confidence in the witness | Listen intently whenever counsel repeats something you have said. If he makes an error, correct him. |
| Repetitious questions | The same question asked several times slightly rephrased | To obtain inconsistent or conflicting answers from the witness | Listen carefully to the question and state, "I have just answered that question." |
| Conflicting answers | "But, Officer Smith, Detective Brown just said, etc.---" | To show inconsistency in the investigation; This tactic is normally used on measurements, time, etc. | Remain calm. Conflicting statements have a tendency to make a witness extremely nervous. Be guarded in your answers on measurements, times, etc. Unless you have exact knowledge use the term "approximately." Refer to your notes. |
| Staring | After the witness has answered, counsel just stares as though there were more to come. | To have a long pause that one normally feels must be filled thus saying more than necessary; To provoke the witness into offering more than the question called for | Wait for the next question. |

The officer should therefore never volunteer information or assume that the prosecutor has overlooked significant facts.

Critical to any testimony is the understanding that the witness may be asked a question to which he does not know the answer. A witness should never hesitate to admit that he does not know the answer to a particular question if that is the case. To attempt to answer a question under such conditions will inevitably lead to disastrous consequences.

As any other witness, the police officer may err during his testimony. A natural reaction of many witnesses who make mistakes on the stand is to overlook the error. Police officers, however, cannot ignore their mistakes in hope that they go undetected since such occurrences may be damaging to the prosecution. As soon as he realizes that a mistake has been made, the police officer should inform the judge that he would like to correct an error made in his prior testimony. If the officer is already off the witness stand, he should notify the prosecutor immediately. In all likelihood the prosecutor will recall the officer as a witness to correct the erroneous testimony.

POST-TRIAL

Testifying in court is a skill that has to be learned, practiced, and continually improved on. After each court appearance, the officer should evaluate his performance. He should recall weaknesses and learn how to overcome them. If possible, the officer should seek the advice of the prosecutor. Because of their knowledge and experience in the courtroom, prosecutors are often able to pinpoint deficiencies in the testimony of witnesses and make constructive suggestions. Through these post-trial evaluations, the police officer will gain the confidence and knowledge he needs to improve his court appearances.

When the defense believes that the state's evidence was insufficient or the indictment did not state a criminal offense under the law, the defense may make a motion for "judgment not withstanding the verdict" or judgment of acquittal.

The defendant may also motion for a new trial. The most common basis for granting a new trial is insufficiency of evidence to support the verdict. Also, some courts have considered errors of law and improper conduct of trial participants during the trial under this motion. A third motion for retrial can be made on the claim that new evidence which affects the verdict has been discovered. In order to justify a new trial, it must be shown that:

- The new evidence will probably change the result of the trial.
- The evidence could not have been discovered before the trial by the exercise of due diligence.
- The evidence is material to the issue.
- The evidence is not merely cumulative or of an impeaching nature.

A defendant also has the right to appeal when he has been convicted of a crime and all of his post-trial motions have been denied by the trial judge. The appeal procedure is not a retrial process, nor is it ordinarily a re-examination of factual issues. The basic function of the appellate court in an appeal is to review the legal issues of the case.

Because of the possibility of a successful appeal or a successful motion for a new trial, the investigating officer must carefully preserve all notes, reports and other materials related to the case so they will be available if needed a second time.

CHAPTER SEVEN

# INFORMANTS*

The term "informant" is widely misused throughout the law enforcement community. As used by various agencies, the word may refer to any number of information sources ranging all the way from a skilled special employee, who can be directed to penetrate a criminal organization, down to a reputable citizen who passes on information to a friendly officer. Some agencies even refer to fellow police officers as informants when they provide information related to an investigation in progress. For the purpose of this chapter, the term "informant" is not used to describe routine sources of information or persons who are contacted and interviewed as potential witnesses during the course of an investigation. Procedures for contacting and extracting information from these sources have already been covered in Chapters 1 and 2. Here we are concerned with informants to the extent that they require special attention in addition to the contact and interviewing skills described earlier.

Even working within these restrictive limitations, an attempt to cover all possible varieties of investigator/informant relationships is impossible. We can only establish appropriate guidelines for dealing with certain types of informants or situations involving informants, and the investigator must adapt these guidelines to his own particular circumstances. For instance, a working definition of an informant, in its purest sense, might be:

> any non-law enforcement person who, by reason of his familiarity or close association with criminals, supplies regular or constant information about criminal activities to a police officer.

Obviously, certain informant types are not included in the above definition, and additional consideration must be made to include persons who obtain information from other sources or who act from different motivations. Nonetheless, the primary informant, who provides the narcotics investigator with invaluable assistance when he is properly handled, and for whom special procedures have been developed, does ususally fit the above definition.

To avoid further confusion it may be helpful to describe informant types in terms of escalating degree of involvement in an investigation. For example, safe procedures for contacting and interviewing an informant who is receiving regular payments from

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*Material in this chapter is based on:

Drug Enforcement Administration, Drug Law Enforcement Officer's Manual, DEA, Washington, D.C.

Manuel R. Garza, Multi Agency Narcotic Manual, LEAA, Washington, D.C.

International Association of Chiefs of Police, Training Key No. 135, Informants, IACP, Gaithersburg, Md.

John B. McLaughlin, The Drug Investigator's Manual (1974), L.E. Publishers, Chicago.

police in return for inside information about a narcotics distribution system will differ considerably from procedures for obtaining incidental personal information about an individual from a prostitute who is known to associate with him. Both persons are informants, but the situation obviously demands different requisites. In order to further specialize our working vocabulary, the following terminology has been developed to refer to informant types.

1) The Occasional Informant--sometimes provides investigative leads when contacted, but will not participate in any regular pattern of reporting information. The occasional informant will not provide sworn testimony or appear in court as a witness. This category includes known or past criminals, associates of criminals, prostitutes, addicts, and may also describe anonymous callers. Reliability of information is always questionable and must be verified from another source if needed as evidence.

2) Arrested Informants--provide information about criminal associates in order to escape prosecution or reduce charges against themselves. Information obtained is the result of negotiation, and is usually available as a "one-time" opportunity. An arrested informant may agree to provide testimony against a more important narcotics figure or he may agree to become a regular informant upon release. Convicted prisoners are also included in this type of informant.

3) Regular or Constant Informant--is usually a member of a criminal group or a close associate of criminals. He is by far the most valuable type of informant for the narcotics investigator. The regular informant may have several motives for supplying information, but he often accepts payment.

4) Special Informant--goes beyond merely providing information. This type of informant will actively assist an undercover agent to penetrate an organization. He can be used to set up "buys," and he will appear in court as a witness if needed. The special informant will require police protection, and he may require relocation assistance.

## INFORMANT DEVELOPMENT

The narcotics officer who deals successfully with informants must be versatile, discreet, tactful, and capable of eliciting the trust of others. He must also be fair and be prepared to live up to any promises he makes. Most investigators who think back to those individuals who were very successful in developing informants will agree that these individuals possessed the following attributes:

- Establishment of a good reputation for ethical conduct in developing successful cases
- Skill in interviewing
- Keen insight into human nature and motivation
- Familiarity with areas of activity in which they themselves were involved
- Familiarity with the identity and behavior of people living and working in those areas of his responsibility
- Knowledge of applicable laws in various enforcement situations
- An appreciation of the true value of information received

These qualities help create an atmosphere in which potential sources of information can overcome their natural inhibitions against informing. The most compelling deterrants against a person becoming an informant are: hate from associates, loss of pride, distrust of officials, fear of retaliation, repeated court appearances, and becoming stigmatized.

During the selection process, consideration should be given to the informant's health, age, education, personality traits, employment and finances, and his motives. Failure to consider the whole person can result in wasted expenditures of money and time. New information from an informant should be verified through other reliable informants, or in a controlled situation where the information is already known to the investigator. All in all, these techniques will allow the narcotics unit to assess the informant's reliability and to assign a tentative classification or grade of reliability.

The investigator has the responsibility to evaluate the informant and his information in order to arrive at the truth. Hence, informant motive is important, and an attempt to determine that motive should be made. The following are some basic motives behind an informant's behavior.

Financial Gain. A very large number of informants provide their information in return for payments of money. While it is true that the desire for money may be mixed with deeper underlying motives, the desire for direct financial gain is undeniably important. Many investigators feel that the informant who supplies information for financial gain can usually be counted as a reliable source of information, since the quality of his information is his "product" and he wants to stay in business. The investigator, however, should remain alert to the possibility of receiving poor information from this type of informant, particularly when information is scarce and the informant's desire to maintain this source of income may lead him to be excessively creative. Similarly, the investigator must evaluate the real capability of a potential informant who promises to deliver information after he is given employment. At all times the investigator should be cautious about what he says in the presence of any informant, recognizing that the informant who sells information to one side may also sell it to the other.

Fear. Since self-preservation is the first law of nature, it might be expected that the prospective informant will be more cooperative when he is afraid of something. This could be a fear of the law or its enforcers. It is one of the practical facts of law enforcement that under such conditions the accused may furnish the investigator with direct evidence against other criminals or show how such evidence might be obtained. Where such disclosures involve higher-ups or implicate others, this sort of development is very much to the advantage of law enforcement personnel.

The fear motive is not necessarily restricted to a fear of the law or its consequences. It happens on occasion that an informant is a criminal in fear of his associates. If information is to be obtained under these circumstances, the informant must be assured that the investigator will do everything possible to protect him from possible retaliation from criminal associates.

Revenge. An informant may be motivated by an all-consuming desire for retaliation against an associate who has harmed him in some way. Retaliation can take the form of disclosure of information to law enforcement authorities. Sometimes the desire for revenge may come only from a feeling by a member of a group that he is being discriminated against or is not given preferential treatment or opportunity to which he thinks his talents entitle him. A desire for revenge sometimes arises from factors independent of criminal activities. Jealousies and quarrels over women can cause the closest of friends to become bitter enemies. In dealing with an informant with this type of motive, all possible information should be obtained during the first contact. Such an

informant may again become friendly with the violator and refuse to give additional information.

Self Importance. A common characteristic of the human being is the self-aggrandizement and pleasure obtained from spreading news to an interested listener. The petty offender who can enlist the undivided interest of an investigator with a "meaty" story, gets a real ego boost out of the operation. His ego is particularly enhanced if he can magnify his own importance by giving bits of information on the criminal activities of more notorious offenders. Because the informant who is egotistically motivated often has a tendency to prattle, the investigator must be willing to listen to everything the informant has to say, or the investigator runs the risk of ignoring what might prove to be very valuable information. Some informants develop a "detective complex" which also serves as an ego-builder.

Gratitude. The informant may be willing to cooperate as an expression of appreciation for an officer's interest. Many valuable informants have been developed by an officer showing interest, and perhaps care for the criminal and his family while he is in custody or by his assistance in other ways, such as helping him find employment upon his release. This not only establishes good rapport, but also often helps in his rehabilitation, which is the major reward. There are many informants who are assisting the police as an expression of gratitude for previous consideration and concern on the part of the officer.

Reform. Occasionally, a wrongdoer will come forward because he is repentant and decides to make restitution or intends to make a final break with criminal associates. This type of informant is encountered infrequently, but when he is, the officer should be very suspicious and should thoroughly debrief the repenter. If such an informant is truthful, however, he can provide valuable information and, when properly managed, he can become an excellent continuing source of police information.

Informants as such are not employees of the police agency, but the relationship of an informant to the agency imposes a special responsibility upon the police when the informant is engaged in activity where he has received, or reasonably thinks he has received, encouragement or direction for that activity from the police. For these reasons, it is important to formulate the limitations on the activities of informants and the duties of the police with respect to informants, even though many of these limitations and responsibilities are set forth in individual instructions or recognized in existing practice.

In considering the use of informants in an authorized investigation, the police should weigh the following factors:

- The risk that the use of an informant in a particular investigation may result in actions contrary to instructions: the informant might violate individual rights, intrude upon privileged communications, or compromise the investigation and/or subsequent prosecution.

- The nature and seriousness of the operation under investigation and the likelihood that the information which an informant can provide is not readily available through other sources or by more direct means.

- The character and motivation of the informant himself, that is, his past or potential involvement in the matter under investigation or in any other criminal activity, his proven reliability, or the availability of the means to verify information which he provides.

- The measure of the ability of the police to control the informant's activities when he is acting on behalf of the police, and to ensure that his conduct will be consistent with his instructions and the law.

- The potential value of the information he may be able to furnish in comparison to the consideration he may be seeking from the police for his cooperation.

The police should instruct all informants it uses that in carrying out their "assignments" they shall not:

- Participate in acts of violence

- Use unlawful techniques, such as breaking and entering, electronic surveillance, and opening or otherwise tampering with the mail to obtain information for the police

- Initiate a plan to commit criminal acts

- Participate in criminal activities of persons under investigation, except insofar as the police determine that such participation is necessary to obtain information that is needed for prosecution of the case

INFORMANT INTERVIEWS

Because of the variety and complexity of motivations that may underlie the decision of an informant to cooperate with a narcotics investigator, extreme care must be exercised during interviews with the informant. The investigator must remain sensitive to the reasons why the informant is cooperating, and he must do nothing to impede the flow of information.

An extensive initial interview is important when developing a regular or constant informant. This interview should be held in a motel room or other safe meeting place away from both the police station and the informant's normal residence or place of business. The location should be such that necessary administrative work can be completed in addition to encouraging a relaxed, informal conversation. During the interview, the investigator should attempt to learn as much about the informant as possible. This includes details about the informant's background, his occupation, associates, income, previous arrest record, and aliases used. The investigator should also record any personal idiosyncrasies of the informant, his general attitude toward assisting the police, and preferred time and place for future contacts.

Appropriate forms must be completed at this time. These forms will be filed in the unit's informant file. The investigator should take time to reassure the informant that his identity will be carefully concealed. The need for the administrative forms should be explained. They must be completed in order to obtain funds or justify expenses related to obtaining information. The record is also completed for the informant's own protection in the event of future arrests during a raid or other police action.

The informant should be fingerprinted and photographed at this initial interview session. Most agencies do not require the standard three sets of fingerprints commonly taken of arrestees. Some units require only thumb prints, since the purpose here is entirely for personal identification. The photograph should be a simple head and shoulders shot with the informant looking directly into the camera. Again, the purpose is entirely for personal identification. A Polaroid type photo is usually adequate. A

Figure 1: CONDUCT OF CONFIDENTIAL INFORMANT

I, _____ the undersigned understand that while I am cooperating with and assisting the _____, I am forbidden to do any of the following:

A. Sell or deliver any controlled substance, dangerous drug, marijuana, or any substance purported to be same, to anyone.

B. Never sell or deliver or cause to be sold or delivered any controlled substance, dangerous drug, marijuana, or any substance purported to be same, to any person who would then in turn sell or deliver said controlled substance, dangerous drug, marijuana, or any substance purported to be same, to any member of the unit or any other person.

C. Never use my sex, sexuality, or sexual activity to induce or persuade any individual to sell or deliver a controlled substance, dangerous drug, marijuana, or any other substance purported to be same to any member of the unit.

D. I further understand that I may never search any suspect, person, house, papers, or personal effects.

E. I may never become involved in any activities that would constitute entrapment.

F. I further understand that I may not engage in any illegal or improper conduct so long as I am working with the _____ unit.

G. Further, I understand that any violations arising from my actions in violation of the above circumstance will result in an investigation of matters and if the charges are substantiated, appropriate action (including the possibility of criminal prosecution) will be taken.

H. I am agreeing to cooperate with the _____ unit of my own free will and accord, and not as a result of any intimidation or threats.

In agreeing to work with the _____ unit, I understand that no unit agent may make any explicit or implicit promises or predictions regarding the likely disposition of any criminal proceedings that are pending against me, but that unit agents will make their best efforts to arrange a meeting with prosecutorial authorities at which time such matters can be discussed.

SIGNED: _____

WITNESSES: _____ _____

TIME: _____

DATE: _____

PLACE: _____

sample of the informant's signature must also be obtained. The signature must be on file in order to prove that money paid for information was actually received by the informant.

From the beginning, the investigator and the informant should have a clear understanding of the basic rules, regulations and procedures that will be followed during the course of their relationship. Such items include preferred manner of contact and meeting, the method of reimbursement and amounts that will be paid, and procedures that will be followed if an informant is arrested during a narcotics operation. He should also be briefed about what he can and cannot do to assist the investigation. The last item refers to types of searches that may legally jeopardize the case, or the degree of participation of the informant in planning activities that he will later reveal as an informant.

Administrative details aside, the purpose of the initial interview and all subsequent interviews is to obtain the maximum amount of useful information from the informant. For this purpose, the investigator must adopt a sympathetic attitude toward the informant and support him whenever possible. The following guidelines for informant interviews are recommended.

- Sympathize with the informant on any difficulties he may be having and show appreciation for information.
- Do not belittle worthless information or show the informant how his information differs from other information.
- Ask for information that is already known in order to check informant's reliability.
- Constantly play up the motives that are causing the informant to assist the investigator.
- Avoid questions that unnecessarily embarrass the informant or that offend the informant's sense of decency.
- Always maintain control of the interview. Avoid arguments.
- Do not ask questions that can be answered simply with a yes or no. Make the informant elaborate on the answer.
- Upon termination of the interview, obtain the address and telephone number of the informant and make arrangements for later contacts.

Common sense and prudence must be used by the investigators in determining those occasions in which they will take written statements from the informants. One guideline however, is that the investigators will obtain written statements after all informant buys and all meetings between informants and the suspect that are of consequence to the case.

A certain amount of businesslike note taking is unavoidable at an initial interview with a regular informant. However, at subsequent meetings it may be better to avoid note taking until the conversation has ended. Immediately after the meeting has ended, the investigator should prepare a memorandum setting forth the information furnished, from whom it was obtained, when, where, and other details. Note taking during the interview may have the effect of inhibiting the flow of information, while at the same time indicating to the informant what information the investigator considers important.

When interviewing and seeking the cooperation of an arrested person, the officer should precede the interview by reading the interviewed his rights under Miranda. The reason is that there will be discussion with the arrestee of his charges, the evidence against him, and the like. This may lead to incriminating statements by the arrestee which could later be used against him.

In all his relations with an informant, the investigator must avoid the use of any derogatory terms or words that might offend the informant. Terms such as "squealer" or "doublecrosser" have no place in the relationship. The label of "informant" itself may conjure up derogatory connotations. The investigator should use terms such as "source" or "special employee" in the presence of the informant.

The investigator should express appreciation for the informant's cooperation at the end of the interview, but while the interview is in progress he should remain noncommittal about the value of specific items mentioned by the informant. This is necessary because of the possibility that the investigator may be dealing with a "double agent." Some persons who offer information to narcotics investigators are, in fact, seeking information about the extent of police knowledge in a particular area. The type of response elicited by specific items can reveal a great deal to the informant about police knowledge. Just as the investigator may occasionally ask the informant for information that is already known in order to test the informant's credibility, so may this type of false informant occasionally test the investigator with inaccuracies. If the investigator responds with impatience or anger, he has in effect told the informant that the police have already learned that much from some other informant.

Any promises made by the investigator must be carried out faithfully if he is to maintain the confidence of his informant. He should be careful, therefore, never to promise anything that he cannot deliver. The investigator, for instance, cannot promise the informant that he will not go on trial for certain crimes. He can, however, make good his promise that the prosecuting attorney will be notified of his cooperation in aiding the investigator.

Other guides in dealing with an informant include: keeping appointments on time even though the informant may not appear, being patient with him, and investigating all leads. The fact that a previous tip was of no value should not be cause to automatically dismiss other tips. All information from informants should be considered valid until proven to be otherwise.

An exception to many of the normal rules for interviewing informants is presented by the anonymous informant. The anonymous informant may be of great help, even if he is never seen. He may be the anonymous telephone caller or the anonymous letter writer.

When an anonymous telephone call appears to have some significance, the investigator should be sure to get all the information at the time of the call. It may be the only chance to talk with that person. People who would not ordinarily think of communicating in this fashion will telephone under emotional stress. Sometimes these calls are from mentally unstable individuals. They can usually be eliminated as such after the conversation has progressed a short time. The investigator should avoid the tendency to become discouraged with these anonymous calls.

In numerous instances, anonymous letters have given the police the first inkling of a violation of laws previously unknown to the agency. Such letters have named associates, connections, and other elements of importance in conspiracies or other violations. If the investigator insists that anonymous letters are worthless, he may discover to his dismay that an excellent clue has been overlooked.

If an anonymous informant seems to have real information, the investigator should get all the facts possible, but he should not reveal any information that he may have by stating that he already knows what is being told. The investigator should keep in

mind that this may be his only chance at this source of information. He should ask those six reliable questions quickly, deftly, and coolly: Who? What? When? Where? How? and Why? He should remain casual, avoiding any indication of undue interest or excitement regardless of how important the message may be.

Special consideration is also required when interviewing female informants. The female informant may be a reputable citizen or she may be a prostitute. In any case, it is incumbent upon the investigator to restrict the relationship to gathering information and to avoid any false claims of misconduct. By treating prostitutes with the same sort of decency and consideration extended to any woman, the narcotics investigator may be able to get information that he could not get otherwise. The prostitute is an important source of information about criminals because men may talk rather freely in her presence about what they have done or what they intend to do.

There should be no meetings between agents and female informants unless they are official and only after a supervisor has been notified. At every meeting with a female informant, there ideally should be two investigators. Whenever possible, these meetings should be held in public places. While male informants try to befriend the police officer, female informants try to develop friendships by using sex. The unit commander should have strict guidelines prohibiting close relationships or socializing between agents and female informants. Development of voluntary informants necessitates a certain amount of personal contact, conversation, flattery, and the like, but this necessary fraternization between investigators and female informants should be carefully controlled.

Addicts and parolees should also be mentioned within this context of special handling. Perhaps no information source exists which is potentially more effective than the addict informant. He can obtain firsthand information on drug trafficking in an area. He knows how, when, and where the action is. Because he is known and accepted, he can also introduce others to the drug scene without unduly arousing the suspicions of drug abusers and their suppliers. Therefore, the investigator should make a strong effort to recruit and screen potential addict informants. In this recruiting process, the officer's judgment as to the informant's credibility and reliability is based partially on prior knowledge, feedback from the informant, and the officer's intuition.

Unfortunately, the addict informant also poses a very serious threat to an investigator's personal safety. Addicts have been known to set up police officers or participate in attempts to frame them. They have also supplied erroneous information for the deliberate purpose of using the police as an instrument for personal revenge upon others, or so that they can learn the identity of an undercover officer and exploit this information to further their own ends. The investigator should remember that if an addict will sell his wife or daughter to satisfy his habit, he would not hesitate to sell a police officer.

The use of paroled informants should be avoided as much as possible. Parolees are usually not allowed to associate with other ex-convicts or to become involved with anyone associated with illicit activity. In addition, they are usually restricted by curfews. Cooperation with a narcotics unit, even with the consent of parole officers, presents grave contradictions to the intent of the parole process.

Exceptions may occur in the case of a parolee who has already become involved in illegal activities, and therefore, may be subject to having his parole revoked. In this instance, however, the parolee is probably better described as an arrested informant. Instead of providing a constant source of information about ongoing criminal activity, like the regular informant, his information will nearly always be supplied as the result of some kind of negotiation.

The use of juveniles by narcotics investigators as informants presents the potential for grave problems. In many states, follow-up investigation of juvenile cases and

the interviewing of juveniles is restricted to specially trained juvenile officers. Moreover, general and juvenile courts frown on, if not prohibit, an initial or additional exposure of a juvenile to criminal activity, even for the purpose of assisting a law enforcement agency. Consequently, narcotics investigators should refrain from using juvenile informants in making buys or making introductions in anticipation of a buy. This, of course, does not preclude eliciting information they may have on illicit narcotics activity, although such interviewing should be done by a juvenile officer if it is so required by statute.

If a juvenile is used by narcotics investigators, they should obtain permission from the parents, the juvenile officers in the case, and, if applicable, any juvenile probation officers involved. Again, extreme caution must be used as the officers face grave consequences should injury occur to the juvenile.

## INFORMANT NEGOTIATIONS

The narcotics investigator must be prepared to negotiate with criminals in order to obtain needed information. This aspect of law enforcement is not well understood by the general public and it is often criticized, but it remains an important weapon in the law enforcement arsenal, particularly with reference to narcotics violations.

While federal enforcement agencies may restrict their activities to cases involving only major narcotics traffickers, municipal police do not have that option. Municipal police simply must arrest relatively small time operators in response to public outrage. The fact that greater long range benefits might be achieved by tolerating a small time operator while making a case against a more important figure is simply not a feasible argument before the legitimate complaints of citizens who, for example, do not want their children corrupted by a dealer operating at a local high school. The local police must take direct action. They must expend for this purpose a portion of the department's limited investigative resources, whether or not an arrest strategy at this level is the best possible approach to a community's narcotics problems. When law abiding citizens observe and complain about violations of the law, they expect police action. If that action is not forthcoming, police rapidly lose citizen support.

The narcotics investigator should regard arrests made at this relatively low level of narcotics activity as an opportunity to develop informants. An arrested street dealer can possibly be persuaded to assist an investigation directed at higher level operators. Such informants are developed through a process of negotiation.

In some narcotics units, the defense attorney and prosecuting attorney participate in meetings to negotiate charges against an informant who wishes to cooperate. The policy generally followed is that the informant's cooperation will be mentioned to the court if he pleads guilty to the original or reduced charges, and if he assists the unit in making a case against either his "source" of drugs or a bigger dealer. In many cases, informants cannot make a case against their own sources because knowledge of their arrest is widespread. In these instances, the informant may be able to assist in making a case against another pusher, one who is a bigger dealer than the informant. Units must be careful in such cases because informants often try to make a case against a smaller dealer or even one of the pushers that the informant supplies.

The investigator should think through the consequences of negotiations with an arrested violator before taking action. For example, he should consider the following questions:

- Has the informant been charged with a crime?
- Does he expect the charges to be lessened or dismissed or his sentence to be reduced?

- Does the informant expect to be paid for his information?
- Does he expect to commit crimes with immunity from arrest?
- Is the informant's information reliable?
- Can it be independently verified?
- Can a deal be made ethically and legally?
- What does the prosecuting attorney say?
- Must the identify of the informant be revealed to prosecute the case? If so:
  - Is it worth the loss of a valuable informant?
  - Can the informant's safety be guaranteed until after the trial?
  - Will it be necessary to finance the informant's disappearance?

The investigator should be careful to avoid anything that might be construed as a promise for something the officer is unable to supply. In addition, strict honesty is imperative. Whenever indications are made by the officer that he will recommend reduction of bond, leniency by the courts, etc., every precaution should be taken to make sure the informant realizes that such recommendations may or may not be followed by the courts. The ultimate responsibility of any plea bargaining lies with the prosecuting attorney.

When negotiations with a potential informant end in agreement to make cash payments in exchange for periodic reports, a strict policy regarding the amount of payment to informants should be established. One major guideline, of course, is to minimize the amount of money paid for information or cooperation. If a unit commander makes a large payment to an informant initially, it will be extremely difficult for him to decrease payments at a later time. It is also inadvisable to make a payment to an informant in full. Giving him half of it at one time, and the remainder at a later date, may be a better method. Payments to an informant should not be made until after he has done his work or his information has been checked out. If the informant is going to be needed in court, payment or part of the payment should be withheld until he testifies. When informant payments are made, signed and witnessed receipts should be obtained in compliance with guidelines for confidential expenditures. The amount to be paid depends on various factors. Consideration should be given to the value of information given, the potential risk to the informant, the priority given to the targeted suspect, the needs of the informant and his potential value to the narcotics unit over an extended time period. Some units may have set percentages to be paid. In one multi agency narcotics unit for example, informants were paid up to ten percent of the narcotics purchased, depending on the quality of the case.

## INFORMANT CONTROL AND PROTECTION

Policies on who will be the controlling agent over informants differ among departments. As a matter of policy, a commander may decide that an informant "belongs" either to the unit or to a particular agent. When an informant belongs to the unit, anyone designated by the commander or supervisor may work with or control the informant. The latter method, in many cases, should be given consideration because the commander and/or supervisors may be in a better position to evaluate the usefulness of the informant. If, for instance, they judge that an agent is not getting adequate cooperation from an informant, they might want to assign another agent who is more effective in working with him. If the commander wants to distribute the caseload equally among the agents, he may assign any agent to work with the informant. This may also be helpful when an agent is becoming too friendly with an informant.

In some small units where all informants are controlled by the commander and his squad supervisors, all contact with an informant and all payments of money to him are made by the commander or his assistants. By utilizing this procedure, strict control of all informants is maintained. Although there is some merit to this system, there are also some disadvantages. The main disadvantage is that the agents may feel that they are not trusted to control the informant that they themselves developed. In addition, this procedure can increase the workload for the commander and unit supervisors, depending on the number of informants. Other units have policies where the supervisor attends all debriefings of informants. This is sound procedure as it gives the supervisor an opportunity to ask hard questions which the agent, in his enthusiasm to get the informant to cooperate, may perhaps be reluctant to ask. The supervisor is able to probe into areas that the agent overlooks, such as general crime activity. After such a debriefing, the supervisor is in a better position to determine the reliability of the informant, his future potential, and the value of cases he can make.

In cases where an informant is controlled by individual officers, an individual member of the department and one alternate should be assigned to each informant. Ideally, the officer who first developed the informant should be assigned to him and subsequent contacts with the informant should be made by the assigned officer. An alternate officer can become acquainted with the informant by accompanying the assigned officer to occasional meetings. This utilization of an alternate officer will facilitate the necessary contacts at some future time should the assigned officer not be available.

The value of having one investigator call upon the informant is to avoid repetitive demands on the informant's time and to circumvent personality conflicts. One investigator making all of the contacts, being fully aware of the pitfalls he may encounter, will expeditiously and economically keep relations on an even keel, and will actually attain much more cooperation than could otherwise be gained. Friendship and mutual trust between the informant and the officer tend to develop naturally, but when no control is exercised, relations will grow thin each time an investigation is being conducted.

One of the principal responsibilities of a control officer is to evaluate the informant and estimate his reliability. Again, the information received should be tested for consistency by checking against the information obtained from other sources. The motives and interests of the informant should always be considered in the evaluation.

When arrested by a patrol officer on some unrelated charge, an informant may claim that he is on assignment for the narcotics squad, or he may mention his relationship with the narcotics unit to avoid being charged. There should be a policy established whereby all persons claiming to be working for the unit as confidential informants should be processed like all other suspects. The narcotics unit commander or his supervisors, not an officer who may be mentioned by the informant, should be contacted immediately when an informant is arrested. These situations are sore points with patrol officers who may feel that informants are given too much consideration. By discussing this policy with other department commanders, the unit commander avoids conflict between individual patrol officers and his investigators.

Allegations of unethical immoral, and possible illegal arrangements between police and informants underline the need for effective police management of the informant. For a narcotics unit to function effectively, the identity of the informant must be kept confidential by maintaining it in one central file that has complete security. The number of people having access to this central file should be as small as possible, on a need-to-know basis.

The informant file should contain all of the information known about the informant. It should contain the results of an inquiry in regard to the informant's background, including his occupation, associates, incomes, and the like. It should also include his arrest record, fingerprint card, pictures, and copies of his real and alias signatures. Pertinent background data, general attitude toward assisting the police, known personal idiosyncrasies, and suggested time and place of contacts should be included.

A record of all money transactions with the informant should be maintained in the file, including a resume of cases worked, their disposition, the method of payment (if any), and a general up-to-date evaluation of the informant's reliability. A constant effort must be made to keep the file current to insure that a valuable informer is not lost to the department.

The informant's name should never appear outside of the master informant file. He should be assigned a code name or number, and this should appear in all reports in which reference to him is made. A cross-reference file is useful, but it must be maintained with the same degree of security as the master file.

An "informant locater" file can be maintained apart from the master file and housed where access is available to all officers needing the information. This file should be cross-indexed by different classifications, such as associates, connections, type of operations, or geographic areas. Thus, through the use of this locater file, if the investigator needs an informant and knows one or more of the index classifications, he may search the file and determine if an informant is working in the officer's field of inquiry. If the officer is able to locate an informant in the locater file where he is listed only by code name or number, then the investigator can submit a request for contacting arrangements. Thus, greater use is made of the informant's knowledge without compromising identity.

A commander can vary the procedure for security maintenance and the number of people with file access on a trial basis. If the system of allowing all unit members access to the files works well, the commander may want to keep that procedure. If some informant cards or pictures are lost, he may still allow the agents into the files, but only after they have notified their supervisors. Non-unit individuals should not have access to the informant file. Expert handling and judgment is needed to preserve the integrity of the narcotics unit. If an investigator discovers that a person is informing for another officer, it is unwise to mention that fact to the informant, even in a casual encounter. Security is the paramount consideration in the continued use of a person who is furnishing information. Mismanagement in connection with the informant may mean his death.

One of the most important responsibilities of an officer who deals with informants is to provide complete protection and security at all times, both in and out of court. The officer must protect the identity of his informant as a matter of ethical practice and because of the danger of undermining the confidence of his sources of information. If the informer should be at the scene of a crime during its commission, he would become a participant in the crime under the premise of res gestae, and any witness who could identify him would be required to do so. Consequently, every effort should be made to keep informants away from the scene of narcotics buys, arrests, or other activities involving those witnesses who know the informant's true identity and can later be forced to testify.

Informants who are discovered by criminals in a unit's jurisdiction and have lost their utility may sometimes be relocated to another region for their own safety. The amount of effort and expenditures that a unit is willing to supply in relocating informants should be made clear to them when they initially begin to work with the unit or when a particular case is initiated. If all the unit can provide is a one-way bus ticket elsewhere, the informant should be aware of this so there is no misunderstanding at a later time.

If an informant who is to be relocated is still willing to cooperate, other municipalities or state or federal narcotics agencies which have been cooperative in the past should be notified of his availability. If one of these agencies is willing to work with him, they may be able to assist with expenses or help the informant to obtain a job. If such transfers are made, it is important that the new agency receive complete background information on the informant and his reliability.

LEGAL CONSIDERATIONS* **

An informant's information is hearsay. Hearsay is always admissible to prove probable cause, but it will not support a conclusion that probable cause exists unless there is a reason for believing the information is reliable. Reliability may be shown by indicating that the informant has previously given police information that has proved to be reliable. This usually takes the form of a listing of past instances where information was given, the type of information disclosed, and how it was proved to be reliable.

Confidential information received from a criminal informant is deemed reliable when either:

1) An arrest and conviction results; or

2) A single arrest is made and evidence of the offense is found (the finding of evidence supports the information received, and a conviction is not necessary); or

3) Several instances of giving information each result in an arrest;[1] or

4) Surveillances confirm the information received;[2] or

5) Another informant, whose reliability is untested, verifies the information by a statement containing firsthand and independent knowledge of the matter.[3]

Confidential information from a police officer-informant is reliable per se, and it is unnecessary to show a past history of reliability as an informant. This is due to several reasons:

1) The facts known to one officer are deemed to be the facts known to all other officers with whom he is working;[4]

2) Under the "conduit theory," information transmitted between officers through official sources retains its full reliability;[5]

3) Police officers, unlike criminal informants and first-time citizen informants are presumed to be truthful as a matter of law;

4) Police officers have a duty to exchange useful information, whereas private persons do not; and

5) A collective pool of knowledge among police officers differs substantially from other forms of hearsay.

*Footnotes follow this section.

**The material in this section is based on: International Association of Chiefs of Police, Legal Points No. 27, Warrant Requirements I--Use of Informants; and No. 28, Warrant Requirements II--Informant Confidentiality, IACP, Gaithersburg, Md.

However, it is incumbent on the prosecution to show the basis for another officer's information if he is not a witness.[6] The undercover police officer-informant does not wish to conceal his identity to prevent reprisals--but rather to continue working in an undercover capacity and avoid detection. This is a legitimate objective and is protected by the courts.[7]

Confidential information from a "good citizen" is usually reliable, and it is generally unnecessary to show a past history of reliability as an informant. Victims of and witnesses to a crime have always been presumed reliable when they are not kept confidential and are available to testify. The problem arises when (1) the identity of a "good citizen" is not disclosed, and (2) he has not previously furnished information to the police. The 1971 case of United States v. Roosevelt Hudson Harris involved an unidentified informant who:[8]

1) Had no proven reliability as an informer;

2) Had no previous experience as an informer;

3) Feared for his life should his name be revealed;

4) Was described as a "prudent" person;

5) Witnessed the offense (bootlegging) within the past two weeks;

6) Stated he had purchased liquor from the suspect.

The U. S. Supreme Court, in reviewing the case, said, "People do not lightly admit a crime (buying moonshine) and place critical evidence in the hands of the police in the form of their own admissions. Admissions of crime. . . carry their own indicia of credibility--sufficient at least to support a finding of probable cause to search." It should be remembered that an admission against interest will render hearsay admissible in trials, too, thus further describing the legal theory which places so much weight on these declarations.

What if the "good citizen" merely relates firsthand information but did not participate in any illicit activity? Factors which would give weight to the reliability of the information received include:

1) The circumstances surrounding how the informant learned his information;

2) The "apparent" credibility of the informant in terms of usual community standards, such as:

   (a) age;
   (b) marital and dependent status;
   (c) occupation and employment history;
   (d) permanence of residency;
   (e) credit and other references;
   (f) lack of even a minor criminal record;
   (g) motivations in informing police;
   (h) motivations in desiring anonymity.

A victim of a crime (or a witness to a crime) may remain anonymous, and as a confidential informant, does not need to be produced if the subsequent search reveals evidence of other crimes for which the searchee is later prosecuted. Moreover, no past reliability need be established once it is shown that the informant was a victim.[9] Examples of offenses where this might occur are extortion schemes, or the innocent purchase of one of several stolen items.

Notwithstanding the actual reliability of an informant, a court will not accept an officer's conclusion that a certain confidential informant is reliable; the underlying circumstances which would lead a magistrate to independently conclude that the informant is reliable must be stated under oath.[10] Once the hearsay information is independently demonstrated as worthy of belief, an officer may swear out a warrant properly based on information and belief.

Occasionally an informant's identity will not be known to the police, such as a code name signed on letters or given on the telephone. Nevertheless, past reliability can be established. For example, if an officer recognizes a voice over the phone as the same person who previously gave verified information, it is deemed reliable.[11]

For obtaining search warrants, it is additionally necessary for the warrant affidavit or oath to:

1) Contain a statement indicating how the informant learned his information,[12] or

2) The information must be corroborated by a surveillance or other appropriate means.[13] Let us take an example.

C.I. (confidential informant) #301 stated Joe Jones operates a wire-room at 215 N. Main St., Apt. 5, from 9 a.m. to 3 p.m. daily when the tracks are open. C.I. #301 has proven reliability but we don't know how he knew about Jones' wire-room; he could have been there or maybe just picked up a good rumor.

There are at least seven ways to obtain the additional information needed:

1) Determine if C.I. #301 was at the apartment and saw bets being taken; or

2) Determine if C.I. #301 called a telephone number subscribed to by the apartment occupant (Jones or anyone else) and placed a bet there; or

3) Place a bet to that telephone number (if this can be done without alerting the occupant) shortly before getting the search warrant and executing the raid; or

4) Observe, if possible, Joe Jones going in at 9 a.m., leaving at 3 p.m., and carrying incriminating implements, e.g., a daily racing form, adding machine or ledger, and establish that Jones actually lives elsewhere and has a gambling record; or

5) Determine if an individual fitting Jones' description rented the apartment under an assumed name; or

6) Determine if C.I. #301 heard Joe Jones admit to operating a wire-room at the named location or during the specified hours,[14] or

7) Obtain corroborative personal information from another informant.

The now famous 1971 Spinelli case requires that the informant disclose how he knows firsthand of the existence of the activity or the informant must be corroborated by an incriminating surveillance.[15] The surveillance and the information can both be insufficient in themselves to warrant a reasonably cautious man to conclude that criminal conduct exists--but if taken together they warrant that conclusion, then probable cause exists.[16]

A third possible contingency affects the Spinelli rule, and that is when the information is so specific that personal knowledge of the informant can be presumed from the information obtained. For example: The informant in each of the following cases did not disclose how he knew (or if he did, the officers did not include it in the affidavit to protect his identity), but:

1) The information was detailed concerning the suspect, his apartment, the location of narcotics, the suspect's weapon and his auto;[17]

2) The affidavit said the informant spoke from personal information and stated a narcotic was at a certain place, was kept in balloons of $25 quantity, and was in the possession of the suspect;[18]

3) The informant sufficiently described the premises and his automobile;[19]

4) The informant made narcotics buys on dates and at locations supervised by a police officer.[20]

Police officers should rely on the specificity exception with extreme reluctance, when for security reasons they omit the circumstances as to how the informant knows the allegations to be true. Officers should always affirmatively allege, if true, that the informant personally knows his allegations to be true.

Passage of time since either (1) the informant learned of the facts disclosed, or (2) police acted on the information received is of no importance when establishing probable cause to obtain an arrest warrant. All that is required is a showing that:

1) There is probable cause to believe an offense occurred; and

2) There is probable cause to believe "X" committed the alleged criminal act.

Probable cause will still be present weeks, months, or even years later (within the statute of limitations).

This is not true when establishing probable cause to obtain a search warrant. This requires a showing that:

1) There is probable cause to believe an offense occurred;

2) There is probable cause to believe that evidence of the offense exists;

3) There is probable cause to believe the evidence will be found by a court-authorized search; and

4) There is probable cause to believe such evidence is presently (or will be) at a particularly described place.

Passage of time will not affect items one and two above, but will affect items three and four. This is because, as time passes, it is possible that:

1) The evidence will be destroyed (item 3); or

2) The evidence will be removed (item 4).

Thus, "the cases are unanimous in their requirement that an affidavit in support of a search warrant must contain a statement as to the time when the facts relied on occurred."[21] This statement need not be specific, but must be definite, such as

within or during a named period.[22] Both California and Illinois have held twenty days as not unreasonable, but Michigan has held four and six days too long for offenses not shown to be continuing.[23] The theory for such a restrictive view is that the law will not presume that an offense is continuing. This view ought not to be taken when officers seek to search for items of mere evidentiary value such as:

1) Treads on an automobile tire;

2) Features on tools, e.g., crowbar, jimmie, or screwdriver;

3) Ballistics characteristics of a weapon;

and the time is not otherwise unreasonable.

When a search warrant is obtained for any of the following offenses--gambling, bootlegged liquor, narcotics or pornography--the officers applying for the search warrant should allege the offense is a continuing one, and demonstrate this by showing:

1) Two or more sales of the item (or bets placed) over a period of at least a week; or

2) A statement from the informant that he personally knows the offense to be reoccurring for a period of weeks or months; or

3) Verification of the probability of the continuing nature of the offense through supporting surveillances.

The more extensive the operation or the longer the scheme has been continuously transacted, the greater the probability it will continue and will continue for a longer time. In one case both of these things were shown in the affidavit, and the court found a lapse of 49 days not unreasonable.[24]

Confidentiality is protected. As has been stated, the anonymity of informants is generally protected by the courts in the following areas.

For probable cause--The U. S. Supreme Court stated in the 1967 case of McCray v. Illinois that the identity of a confidential informant who establishes probable cause should not be disclosed.[25] An accused has no right, under the Sixth Amendment, to confront an informant who merely is used to establish cause for an arrest or search warrant.[26] Since McCray numerous courts have protected informants under this reasoning.[27]

However, under some of the following situations, anonymity is not protected:

1) Disclosure is relevant and essential to a fair determination of the case;[28] or

2) The informant was an "eyewitness" to the actual charge prosecuted (such as an arrest warrant for a particular buy);[29] or

3) The informant was a participant to the offense charged;[30] or

4) The informant could give relevant testimony material to the issue of guilt or innocence;[31] or

5) The accused demonstrates an alibi at the time when the informant incriminated him.[32]

In each of these cases, the defendant has the affirmative duty of showing that there is a reasonable possibility that the informant could give testimony on the issue of guilt.[33] The alleged materiality of the informant's testimony must be established in the form of a motion, and if the accused fails to show such materiality, the motion must be denied.[34] The defendant does not have to show the testimony would be favorable, however, to be entitled to disclosure.[35]

Use of false name--Jurisdictions are split on whether an informant may sign an affidavit under an assumed name. The idea is that if the informant personally appears before, and is examined by the issuing magistrate, no prior reliability needs to be shown. This is of enormous value when dealing with the first-time informant. To protect his identity, a false name is used.

Both the fourth and seventh circuits of the U. S. Court of Appeals and Kentucky have characterized it a "false swearing" and have held that the Fourth Amendment's requirement of an oath or affirmation precludes the use of a false name.[36] It is still an open question as to whether an informant could (1) orally state his true name (off the record) to the magistrate, (2) state a false name in the written affidavit, (3) aver that the written name was false to protect his identity for fear of bodily harm, and (4) swear that his true name and identity were made fully known to the issuing magistrate. Illinois has long held a false name lawful and has refused to hold the seventh circuit case retroactive--reaffirming its belief in the lawfulness of the procedure.[37]

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FOOTNOTES

[1]United States v. Shipstead, 433 F.2d 368 (9th cir., 1970).

[2]People v. Barnett, 156 C.A.2d 803, 806 (App., Cal., 1958).

[3]It must be independent to be corroborative, People v. Fein, 484 P.2d 583 (Cal., 1971).

[4]United States v. Murphy, 369 U.S. 402 (1962); United States v. Romero, 249 F.2d 371 (2d Cir.); State v. Waits, 178 N.W.2d 774, 778 (Neb., 1970); Brooks v. United States, 416 F.2d 1044 (5th Cir., 1969).

[5]People v. Hogan, 71 C.2d 888 (Cal., 1969).

[6]People v. King, 9 C.A.3d 419, 425 (App., Cal., 1970); People v. Lara, 67 C. 2d 365, 374 (Cal., 1969).

[7]United States v. Dellinger et al., No. 69-Cr-180, Tr.p.7993 (N.D. Ill., Nov. 25, 1969); see also Margolis v. United States, 402 F.2d 450 (7th Cir., 1968).

[8]United States v. Harris, 403 U.S. 573 (1971).

[9]United States v. Mahler, 442 F.2d 1172 (9th Cir., 1971); note that when the citizen-informant is available to testify at the trial, or when his name appears in the affidavit for the warrant, no past reliability is ever needed, People v. Glaubman, 485 P.2d 711, 717 (Colo., 1971) and numerous cases cited therein; when the citizen-informant is a victim or witness, the same rule applies, State v. Skinner, 483 P.2d 87, 89 (Ore., 1971).

[10]Aguilar v. Texas, 378 U.S. 108 (1964).

[11]People v. Cain, 15 C.A.3d 687 (App., Cal., 1971).

[12]Spinelli v. United States, 393 U.S. 410 (1969).

[13]People v. Smolucha, 259 N.E.2d 319 (App., Ill., 1970).

[14]United States v. Harris, 403 U.S. 573 (1971).

[15]Supra, n. 1.

[16]People v. Fiorita, 166 N.E.2d 606 (Ill., 1960); People v. Close, 208 N.E.2d 644 (App., Ill., 1965).

[17]People v. Prewitt, 52 C.2d 330 (Cal., 1959); People v. Aguirre, 10 C.A.3d 884 (App., Cal., 1970).

[18]People v. Bryant, 5 C.A.2d 563 (App., Cal., 1970).

[19]People v. Cain, 261 C.A.2d 383 (App., Cal., 1968).

[20]People v. Hernandez, 255 C.A.2d 478 (App., Cal., 1967).

[21]Annot., 100 A.L.R.2d 525, 527 (1965), emphasis supplied.

[22]Id. at 531-33.

[23]People v. Nelson, 171 C.A.2d 356, 359 (Cal., 1959); People v. Montgomery, 189 N.E.2d 327, 328 (Ill., 1963); People v. Siemieniec (Illegal sale of liquor), 118 N.W.2d 430 (Mich., 1962); People v. Wright (gambling), 116 N.W.2d 786 (Mich., 1962).

[24]People v. Dolgin, 114 N.E.2d 389 (Ill., 1963).

[25]386 U.S. 300.

[26]Cooper v. California, 386 U.S. 58, 62 n.2 (1967).

[27]See Nedrud, The Criminal Law, A 4.5 (1968 post).

[28]State v. Castro, 475 P.2d 725, 726 (App., Ariz., 1970).

[29]Mitchell v. Sup'r Ct., 50 C.2d 827 (Cal., 1958).

[30]Miller v. Commonwealth, 10 CrL 2016 (App., Ky., 1971); State v. Phillips, 272 N.E.2d 347 (Ohio, 1971).

[31]People v. Garcia, 67 C.2d 830 (Cal., 1967).

[32]Honore v. Sup'r Ct., 70 C.2d 162 (Cal., 1969).

[33]People v. Hunt, 4 C.3d 231 (Cal., 1971).

[34]People v. Sewell, 3 C.A.3d 1035 (App., Cal., 1970); State v. Edwards, 6 Wn. App. 109 (App., Wash., 1971).

[35]Price v. Sup'r Ct., 1 C.3d 836 (Cal., 1970).

[36]King v. United States, 282 F.2d 398 (4th Cir., 1960); United States ex rel Pugh v. Pate, Warden, 402 F.2d 6, 7-8 (7th Cir., 1968); Hay v. Commonwealth, 432 S.W.2d 641, 643 (Ky., 1968).

[37]People v. O'Kiersey, 263 N.E.2d 488, 489 (Ill., 1970); People v. Stansbury, 268 N.E.2d 431, 433 (Ill., 1971).

CHAPTER EIGHT

# SURVEILLANCE OPERATIONS

Surveillance can be defined as the secretive, continuous, and sometimes periodic watching of persons, vehicles, and places or objects to obtain information concerning the activities and identities of individuals. Oftentimes, surveillance is the only investigative technique available to identify the sources, couriers and recipients of narcotics, narcotic stashes, and the co-defendants and co-conspirators in an operation. Surveillances, which can be continuous or intermittent, are of three main types: the moving surveillance where the investigator follows the subject on foot or in a vehicle; stationary surveillance where the continuous watching of a place, object, or person occurs from a fixed point, and electronic surveillance where electronic, mechanical, or other devices are used to intercept the contents of any wire or oral communication.

The following are some of the objectives of a surveillance:

- To protect undercover officers or to corroborate their testimony
- To obtain evidence of a crime
- To locate persons by watching their haunts and associates
- To check on the reliability of informants
- To locate hidden property or contraband
- To obtain probable cause for obtaining search warrants
- To prevent the commission of an act or to apprehend a subject in the commission of an act
- To obtain information for later use in interrogation
- To develop leads and information received from other sources
- To know at all times the whereabouts of an individual
- To obtain admissible legal evidence for use in court

Surveillances can also be categorized according to function. There is, for example, intelligence-seeking surveillance where the investigator attempts to learn everything he can about a crime or an activity. He is trying to learn the source of supply of the suspect, who the couriers are, and who the co-conspirators may be.

A pre-purchase surveillance is utilized to gather tactical intelligence that will assist the undercover officer who will attempt to make a buy on a suspect. The

investigator seeks to identify the associates of the suspect and their relationship, or association with the suspect. He also seeks to identify the sources of supply and couriers.

A cover surveillance is used primarily for the protection of the undercover officer. It is also used to corroborate the undercover agent's testimony. This is done not only through testimony that an undercover officer was seen entering a locale with money and leaving with narcotics, but it may also be possible that the surveillance officer observed the physical transaction itself. A cover surveillance, of course, also encompasses the identification of approaches to the immediate buy area in case the undercover officer should find himself in trouble, the amount of force that might have to be used to assist the undercover officer, and the manpower and equipment needed to assist him.

A post-purchase surveillance might be conducted for the following reasons:

- To determine where the money goes after the sale
- To identify other customers of the seller
- To keep the seller under observation in case the undercover officer bought "turkey," that is, bought a substance that was not what it was purported to be

## PREPARATION AND EQUIPMENT

Although most competent investigators are capable of conducting a good surveillance, there are certain qualities which would be particularly desirable of the surveillance officer. The narcotics commander should take care to assign suitable personnel.

- The surveillance officer should have an ordinary appearance. Any outstanding physical characteristics, such as being exceptionally tall, short, or obese, may attract the suspect's attention. He must have the ability to act natural under all circumstances, as if he belongs at that scene.
- He must display a high degree of alertness and resourcefulness, since no matter how much planning goes into conducting a surveillance, there are many unanticipated occurrences. He must have good powers of observation and memory, as he is often unable to write or jot down all events, descriptions of contacts, or times as they occur.
- Finally, the investigator must be patient and possess endurance. Investigators who have conducted surveillances can attest to the perseverance needed while waiting for a suspect to appear or to doggedly follow the same suspect through the same routine day after day.

Before initiation of a surveillance, all investigators participating in the operation should undertake the following activities. A study should be made of all files relating to the suspects, their activities and crimes, their working and neighborhood environment, and the vehicles involved in the case. In studying information relating to the suspects, the investigators should focus on names and aliases used by the suspects, detailed physical descriptions, including photos if they are available, and any identifying characteristics and mannerisms. The habits and normal routines of the suspects should also be examined as well as their probable suspicion of, and ability to elude,

surveillance. Finally, the identities and descriptions of known or suspected contacts or associates should be known.

The investigators should be knowledgeable about the scope and extent of crimes and activities in which the suspects are involved. For example, a narcotics dealer may also be involved in a fencing operation; he may be trading guns in exchange for narcotics; or he may be smuggling aliens as well as narcotics into this country. Knowledge of all these activities will prepare the investigator for a surveillance.

Investigators must also familiarize themselves with the type of neighborhood in which the operation will take place, concentrating on such aspects as the types of inhabitants, their dress, and their use of language. This information will assist the officers and their vehicles to blend in with the neighborhood.

The types of equipment employed by surveillance officers is only limited by the improvisational ability of the officers themselves. For example, on a short term surveillance of a building, the surveillance officers may use utility belts with tools and hard hats to adopt the appearance of public utility employees, or utilize some other type of "cover" equipment. Cameras, binoculars, telescopes, and recording equipment must be included in preparations where applicable.

Obviously, vehicles used in a surveillance should not be conspicuous. A surveillance vehicle should fit the setting in which it will be used and be free of any features which will readily distinguish it. Bright colors or loud exhaust systems call attention to the vehicle. Surveillance cars should have two-way radios to enable communications to be maintained with other units and headquarters. The officers should carry binoculars in the vehicle to obtain information while maintaining distance from the suspect or area under surveillance.

Whenever possible, the surveillance car should be occupied by two officers--one driver and one observer to take notes. The second officer can also take over surveillance on foot if necessary. Seating arrangements of these two officers should be changed periodically to avoid recognition by suspects. The officers should prepare for emergencies by carrying food, raincoats, tire chains, and any other items appropriate for the circumstances of the surveillance. It is sometimes beneficial to carry different sets of license plates that can be changed periodically. Many agencies have installed switches on surveillance cars to enable the officers to darken taillights or shut off running lights. In driving surveillance vehicles, the officers should drive and park normally and avoid driving techniques that increase the risk of car accidents or make the car conspicuous.

Familiarization with the vehicles used by suspects in a case is another important aspect of surveillance preparation. This encompasses the descriptions and license numbers of vehicles, the suspect's driving habits, streets and routes frequented, and the garage and repair facilities used by the suspects.

A reconnaissance should be used to supplement file information. The suspects should be pointed out to the surveillance officers by someone who is familiar with the suspects. A physical reconnaissance should be made to study the areas where the surveillance will take place and to identify vantage points which are suitable for the officers. Similarly, traffic conditions can be observed and the officers can become familiar with the names and locations of streets in the area, including locations of dead-end streets that may be used by the suspect to spot surveillance officers. The reconnaissance will also yield information on the neighborhood and its inhabitants that would not be in the police files.

As part of the surveillance preparation, the officers must consider their appearance. They must dress and adopt the demeanor of local inhabitants in order to blend into the setting. The type of clothing to be worn will determine if concealment of

weapons will be a problem. The officers should also carry such items as caps, jackets, and glasses to effect quick changes in appearance. They should carry sufficient money to pay for meals, transportation, or other expenses incurred in the surveillance. A reserve fund for use in emergencies should also be provided.

One of the initial tasks in planning and conducting a surveillance is the designation of an "officer-in-charge." When a number of officers are involved, a tactical plan for all eventualities, outlining the duties of each officer must be prepared. If a surveillance is likely to be lengthy, arrangements should be made for suitable reliefs. A prearranged, secure system of communicating with headquarters or superiors and a central coordination must be established. Suitable signals for communicating information between surveillance officers should be developed and thoroughly understood by all participants. The type of information that might be communicated through such signals would include: "take the point," "the suspect has stopped," "the suspect has made a contact or a drop," "there is a counter-surveillance," and "the suspect has spotted the surveillance." Explanations for being at a particular place at a particular time should also be discussed in the eventuality that an officer is approached by the subject and accused of following him.

## MOVING SURVEILLANCE ON FOOT

Moving surveillances may be conducted on foot or in vehicles. Generally, the foot surveillance today is used only over relatively short distances or to maintain contact with a suspect after he has left a vehicle. However, the investigator must be prepared to maintain a more lengthy foot surveillance when necessary. There are four principal methods for conducting a moving surveillance on foot. These are the one-man surveillance, the two-man surveillance, the ABC method, and the progressive or "leap frog" method.

The one-man surveillance, where a single officer attempts to follow the suspect, is extremely difficult to conduct because the suspect must be kept in view at all times and close contact is required to enable the officer to immediately observe the suspect if he enters a building, turns a corner, or makes other sudden moves. The effectiveness of one-man surveillance is somewhat dependent on pedestrian traffic and the physical characteristics of the area. It should be avoided if possible.

The two-man surveillance affords greater security against detection and reduces the risk of losing the suspect. On streets that are crowded with pedestrian or vehicular traffic, both surveillants should normally remain on the same side of the street as the suspect. The first officer trails the suspect fairly closely. The second officer remains some distance behind the first. On a less crowded street, one officer should walk on the opposite side of the street nearly abreast of the suspect. In order to avoid detection, the two officers should make periodic changes in their positions relative to the suspect.

The ABC method, utilizing a three-man surveillance team, further reduces the risk of losing the suspect, and, under most conditions, affords greater security against detection. This method also permits a greater variation in the position of the officers and also allows an officer who suspects he has been spotted by the suspect to drop out. Under normal traffic conditions, officer "A" keeps a reasonable distance behind the suspect, while officer "B" follows "A" and concentrates on keeping "A" in view. He also checks that a confederate of the suspect is not being used to detect a surveillance. Officer "C" walks on the opposite side of the street slightly behind the suspect. On streets with little or no traffic, two officers may be on the opposite side of the street or one officer may be in front of the suspect. On crowded streets, however, all three officers should generally be on the same side of the street. The leading officer should follow closely to observe the suspect at intersections or if he

enters a building. As in the two-man method, the trailing officers should frequently alter their positions relative to the suspect.

Under normal traffic conditions, when the suspect approaches an intersection and there is a probability that he might turn, officer "C" across the street should reach the intersection first. By pausing at the corner, officer "C" can watch the suspect and signal his actions to officers "A" and "B". If "C" signals that the suspect has turned the corner and stopped, both "A" and "B" may have to cross the intersection and proceed to a point out of his view and rely on "C" to signal them when the suspect continues on his way. Whether the suspect stops or not, his turning a corner provides an opportunity to rotate the positions of the officers.

In the progressive, or "leap frog" method of surveillance, the suspect is observed intermittently as he progresses along a certain habitual route. The surveillance officer stations himself at a fixed point until the suspect disappears from view. If the suspect follows the same route each day, his destination may be determined without constant surveillance. The officer should station himself each day where the suspect disappeared from view the previous day, or more than one officer can be used to extend the period of observation. This method may be of value in locating hideouts or meeting places when the risk of trailing a suspect is too great. Use of this method is not common, because of the time involved and the probability of obtaining poor results. There is no assurance that the suspect will either go to the same destination or take the same route each day. However, a modified version may be useful when a suspect's rounds are routinized, his contacts are known, but his source or base of operation is unknown. The suspect can be followed until the risk of detection is too great. The surveillance can then be cancelled for that day, and re-instituted the next day at the location that the previous day's surveillance was called off.

Problems that may be encountered in conducting a foot surveillance are infinite, but it is useful to discuss some common difficulties.

When a suspect enters a building, for example, at least one officer should follow the suspect inside, unless the building is a private home or small shop, or if entry would expose the officer. In the case of large public buildings with many exits, all officers should follow the suspect into the building. It is prudent for one officer to remain in the lobby or at a door to spot the suspect if he leaves the building.

Situations where a suspect enters an elevator also present unique problems. If a suspect is the lone passenger and has reason to suspect surveillance, it may not be advisable to accompany him into the elevator. The surveillance officer should watch the indicator for the floor stop, and then proceed to that level to pick up the suspect's route. If the officer chooses to get on the elevator with the suspect, he should wait until the suspect departs, then go to the next higher floor before leaving the elevator. When two officers accompany the suspect into an elevator, they should wait for him to choose his floor, and then pick the next higher and lower floors for their own exit. Whatever method of surveillance is selected inside the building, one officer should remain in the lobby since the suspect may be using the elevator merely to elude the surveillance.

In instances where a suspect enters a restaurant, at least one officer should enter behind the suspect and be alert to note any contacts made inside. If possible, the officer should pay his check before the suspect so that he can be prepared to leave with him. In some cases, it is desirable for the officer to leave shortly before the suspect and wait for him outside.

In situations where a suspect hires a taxi, the officer should make a note of the time, the place, the name of the cab company, and the license or cab number. The cab's destination can be obtained from the driver through the company office by using the cab's radio. When a suspect purchases a ticket on a train, boat, plane or

long-distance bus, the decision to follow the suspect depends on the length of the trip, the circumstances regarding the surveillance and the officer's instructions from his superior. The suspect's destination can be determined by questioning the ticket agent. Examination of the exterior of the suspect's luggage should not be overlooked for indications of the suspect's destination.

Suspects who enter a theater, racetrack, or amusement park, should be followed by all officers on the surveillance team. The regular admission charge should be paid. It is important that close surveillance be maintained in a crowd. In darkened theaters, the suspect must be closely watched. If possible, one agent should sit directly behind the suspect to observe if contact is made with another person. Exits must be covered to prevent the suspect from leaving undetected.

Should the suspect register in a hotel, the room number and length of anticipated stay may be obtained from the manager or desk clerk. However, these employees or bellboys should not be asked for information until it is determined that they can be trusted. If the hotel management is cooperative, it may be possible to obtain a room near the suspect, which can be used as a surveillance base. All outgoing telephone calls placed by the suspect are normally recorded by the hotel switchboard operator. These records should be examined for leads. Trash from the suspect's room should not be overlooked, although trespassing to retrieve this or any other possible evidence without a proper search warrant is not permitted.

A clever suspect, discovering that he is under surveillance, may not reveal this knowledge, but may attempt to lose his followers by means of false contacts or decoys. For example, he may leave a package full of worthless papers or materials with a contact, thereby causing unwary officers to redirect or discontinue their surveillance, leaving him free to make his real contacts unobserved. Similarly, the suspect may attempt to lure an officer into a trap. A thorough knowledge of the locality, tempered with good judgment and alertness to realize when trailing becomes too easy, is a good defense against such traps. If a suspect resorts to trickery, it is good policy to change surveillance officers. Some common methods that a suspect may use to detect a foot surveillance are:

- Stopping to tie a shoestring, meanwhile looking for followers
- Stopping abruptly and looking at people to the rear, or reversing course and retracing his steps
- Stopping abruptly after turning a corner, or alternately walking slowly and rapidly
- Arranging with a friend in a shop or other place to watch for surveillants behind him
- Riding short distances on buses and taxis, or circling the block in a taxi
- Entering a building and leaving immediately via another exit
- In hotel lobbies and restaurants, watching in wall mirrors to see who is coming and going
- Starting to leave a place quickly, then suddenly turning around to see if anyone also suddenly rises
- Opening and closing his hotel door to indicate that he has left his room, and then waiting inside his room with the door slightly ajar to see if anyone leaves an adjacent room

MOVING SURVEILLANCE WITH VEHICLE

As is the case with foot surveillances, there are four types of vehicular surveillances: the one, two, and three-car surveillances, and the leap frog method.

If only one car is available for surveillance, its position should be behind the suspect's car, the distance varying with the amount of traffic in the area. In city traffic, not more than two vehicles should be permitted between the suspect's car and the surveillance vehicle. In rural areas, it is advisable to give the suspect a good lead. If intersections and road forks are far between, the lead can be extended to a point where the suspect's car may even be temporarily lost from view over hills or around curves. When possible, there should be another car between the surveillance vehicle and the suspect's car. At night, the surveillant's car should not have its headlights on high beam unless absolutely necessary to maintain contact. Similarly, all other unnecessary lights on the car should be extinguished.

When conducting a two-car surveillance in city areas during daylight hours, both cars should be behind the suspect's car. Occasionally, one car may operate on a known parallel route, timing itself to arrive at intersections just before the suspect in order to observe his route at the intersection. This method is also highly suitable for use at night in suburban areas.

In a three-car surveillance, parallel routes can be more readily utilized, and the positions of the cars can be changed frequently enough to prevent discovery of the surveillance. One car may be used to lead the suspect while the suspect's vehicle is observed through the rear-view mirror.

The leap frog surveillance with cars is very similar to a leap frog surveillance on foot. In this type of surveillance, for example, the suspect's vehicle may be observed intermittently as it proceeds along its suspected route. From a fixed point the officers watch the suspect's vehicle disappear from view. After a number of such surveillances, the suspect's final destination is finally determined. This particular approach of the leap frog surveillance is often impractical due to the great distances that can be covered by car. For this reason, it would be more beneficial if the surveillance officers follow the suspect's car until the risk of detection is too great, whereupon the surveillance is called off for that day. The next time the suspect makes his scheduled trip, the officers can initiate their surveillance at the geographical point the previous surveillance was ended.

As in the case of foot surveillance, a suspect who believes he may be followed can resort to various techniques to detect a surveillance automobile. Some of the most common techniques are:

- Alternating fast and slow driving or frequent parking
- Stopping suddenly around curves or corners or speeding up a hill, then coasting slowly downhill
- Driving into dead-end streets or pulling into driveways

Once a suspect has confirmed his suspicion, he can use a variety of techniques to elude automobile surveillance. Some examples are:

- Committing flagrant traffic violations, such as making U-turns, driving against traffic on one-way streets and running through red lights
- Using double entrances to driveways--in one entrance and out the other

- Cutting through parking lots
- Driving through congested areas
- Deserting the vehicle beyond a blind curve or corner

FIXED SURVEILLANCE

When a fixed surveillance is utilized, officers watch from a stationary vantage point such as a room, house, or camouflaged outdoor fixture located near the premises being observed. Typically, a fixed surveillance will be conducted for one of the following reasons:

- To detect illicit narcotics activities in the targeted area
- To identify persons who frequent the dwelling or establishment and to determine their roles in the illicit activity
- To provide the probable cause for a search warrant of the target area
- To determine the habits of the persons who frequent the locale under observation

Before the fixed surveillance is initiated, a careful study of the surrounding area should be made. The investigators should note the residents and transients and the general character of the neighborhood. Only after such a survey is conducted should the observation point be selected. This observation point should afford maximum observation of all entrances and exits to the location under observation, and should have an exit to permit officers to enter and leave without being observed from the suspect's premises. However, the location should be established in such a way that other occupants of the same building are not aware of how the location is being used. If a fixed location cannot be set up, a camouflaged outdoor fixture, such as a vendor's stand, can be utilized or undercover officers with an appropriate cover may be sent into the area. A vehicle, such as a van or truck may also be used.

Obviously, a certain degree of activity is necessary to set up an observation post, move in equipment, relieve surveillance officers and terminate the surveillance. These things should be done as unobtrusively as possible. For example, surveillance officers should enter and leave the area separately. If it is necessary to take some of the residents into the confidence of the police, the number should be held to a minimum and the purpose should not be revealed.

A chronological log of the activities taking place in the area under surveillance is the best method for recording pertinent information and is the basis for the surveillance officer's report. In this log he should note the time of arrival and departure of suspects. Descriptive notes of the suspects should be made and, whenever possible, a photographic record of the visitors should be maintained. This will enable the surveillance officers to identify persons frequenting the target area and document their involvement with the primary suspect or suspects. During the surveillance, one officer should constantly observe the target location while the other officer takes meticulous notes of all observations.

Binoculars are essential equipment in the operation, as they facilitate positive identification of persons entering or leaving a location under observation. Similarly, a still or motion picture camera with a telephoto lens can also be used effectively. For still pictures a 35mm camera with a telephoto lens should be adequate. It would be preferable, however, that the camera have a motor-driven advance to facilitate rapid shooting, and a "data back" feature to allow the investigator to mark the frame with

his initial, the time, and the date. This last feature is desirable because photographs or motion picture footage should be numbered with reference to time.

## ELECTRONIC SURVEILLANCE*

The United States Supreme Court developed its present interpretations of the Constitution dealing with electronic surveillance only after discarding some early decisions. One early decision was Olmstead v. United States (1928), a prohibition case in which the court approved the introduction of wiretap evidence obtained in violation of state law. In this case the court held that a "seizure" of words was not a seizure as defined by the Fourth Amendment, and that there was no constitutional violation involved in a warrantless wiretap in which the officers made no physical trespass. The Olmstead rationale that seizures of words alone were not constitutionally protected was eroded over the years, and was finally overruled in 1967.

In that year, three cases laid the foundations for the present federal statute controlling wiretapping, Title III of the Uniform Crime Control and Safe Streets Act of 1968. Warden v. Hayden finally disapproved the Olmstead rule entirely and made search warrants for "relevant words" possible. Berger v. New York found a New York wiretap statute unconstitutional primarily because the statute did not require a sufficiently particular description of what was to be seized pursuant to the wiretap order. Katz v. United States brought electronic surveillance within the protections of the Fourth Amendment. It expressly overruled Olmstead by calling wiretaps "searches," whether or not the officers or the electronic device itself intrude on the subject's property.

There are a few exceptions to Title III's broad prohibition of non-consensual electronic surveillance. The most important is law enforcement surveillance pursuant to a valid court order. Title III provides that federal prosecutors (with the approval of the U.S. Attorney General or a specially designated Assistant Attorney General) may apply for a court order authorizing electronic surveillance by whatever means, such as by tapping a phone or telegraph wire or by placing a transmitter in a position to pick up conversations. Each state authorization statute sets out which state authorities may apply for state court orders. Care must be taken to ensure that state and municipal officers only follow up leads, conduct surveillance, and provide supporting information on a federal case wiretap. Results from a state tap can be used in a federal case, so long as federal requirements are met.

Each order authorizing any electronic surveillance must specify:

- The identity of the person, if known, whose communications are to be intercepted
- The nature and location of the communications facilities as to which, or the place where, authority to intercept is granted
- A particular description of the type of communications sought to be intercepted and a statement of the particular offense to which it relates
- The identity of the agency authorized to intercept the communications, and of the person authorizing the application

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*Material in this section is based on: International Association of Chiefs of Police, Legal Points 55 & 56, Electronic Surveillance--Parts I & II (1975), IACP, Gaithersburg, Md.

- The period of time during which interception is authorized, including a statement as to whether or not the interception shall automatically terminate when the described communication has been first obtained

These specifications must be based on full and complete written statements of fact in the applications and may be supplemented by oral testimony. In addition, no order may authorize the electronic interception for a period longer than necessary to achieve the objectives of the authorization, or in any event longer than thirty days. Extensions of an order may be granted, but only upon application for an extension made in accordance with all the above requirements. The period of extension shall be no longer than the authorizing judge deems necessary to achieve the purpose for which it was granted and in no event longer than thirty days. Every order and extension must contain a provision that the authorization to intercept shall be executed as soon as practicable, shall be conducted in such a way as to minimize the interception of communications not otherwise subject to interception, and must terminate upon attainment of the authorized objective, or in any event in thirty days.

Title III, in forbidding the unauthorized interception or divulgence of oral or wire communications by the use of electronic or mechanical devices, provides stiff civil and criminal penalties for violations ($10,000 fine or five years in prison or both). It also authorizes a civil suit for damages by anyone wronged by illegal electronic surveillance. It sets damages at actual damages or not less than $100 a day for each day of violation or $1,000 whichever is higher, and also allows recovery of reasonable attorney's fees and punitive damages.

Title III also covers consensual eavesdropping, that is, where one of the parties in a conversation records the conversation or grants permission for a law enforcement agency to record the conversation. A unit, for example, may place a body microphone and transmitter on an undercover officer or an informant when a buy is being made or negotiated. They may record conversations over an "undercover" telephone, or intercept an informant's telephone, with his permission, in order to gather information or evidence on a suspect.

The United States Supreme Court has consistently excepted voluntary disclosure from warrant requirements. Uncoerced consent searches are inherently reasonable. This principle has been held to include situations in which "A" (suspect) voluntarily speaks to "B" (informant or undercover officer) but does not know that "B" has consented to allow "C" (officers) to record "A's" words or transmit them to "C." "A" is said to take the risk that the people to whom "A" speaks will record or transmit "A's" words just as "A" takes the risk that they are police officers or informants or may later testify about "A's" words in court. This view was affirmed by the Supreme Court in United States v. White (1971), and was written into Title III.

Units should check with their own prosecuting attorneys or the state attorney general's office as to the legality or limitations on consensual wiretapping in their own states. State rules differ. For example, the Michigan Supreme Court, in a 1975 decision, placed additional restrictions on consensual searches when it decided that such searches could be used in court only if a conversation was recorded, and not simply when witnessed by a third party who monitored the conversation (People v. Beavers, 227 N.W. 2d, 511 [Mich 75]). A New Jersy statute provides that law enforcement agencies need to obtain permission from the county prosecutor or the state attorney general or his designee to perform a consensual search. As a further example, Pennsylvania has completely prohibited consensual searches.

In states without such limitations, consensual eavesdropping has been highly beneficial to law enforcement. Police have found recording and/or transmitting devices useful in one-party consent situations for gathering admissible evidence, verifying an informant's credibility, protecting undercover officers, intelligence purposes, and for

practical purposes such as timing an arrest to coincide with an exchange of contraband for money.

The courts have ruled that in conducting electronic eavesdropping, the officers must do everything reasonably possible under the circumstances to respect the right of privacy and to prevent the interception of nonpertinent communications. This process is called minimization. What is reasonable under the circumstances may be determined by the scope of the criminal enterprise, the location and operation of the bugging or tapping, the access of uninvolved persons to the bugged premises or tapped line, the anticipated content of the communications to be intercepted, the degree of judicial supervision of the surveillance and special factors such as the subject's use of code names or coded information in innocent-sounding conversations.

When defining minimization, the courts mean an interruption of the recording process itself, not just taking the earphones off, ignoring what is being said, or neglecting to log or summarize the information. Moreover, a monitoring officer cannot tape everything, then go back and listen to it several times before deciding what to cut out. While minimization may sound like an impossible task, it is not. The officer monitoring the conversation has to know the background of the case in detail. He must know the names and nicknames of all suspects and possible sources of relevant information. He can then be able to place comments within the context of the case in an almost instantaneous fashion.

Normally, before a unit even seeks a wiretap, it must exhaust every conceivable investigative avenue short of electronic surveillance. For example, there should be a continuous surveillance for a significant period of time, perhaps several weeks, on the suspects. Investigators find out what a suspect does, where he goes, whom he sees, where he lives, how he travels, and with whom.

The investigators need a background of telephone tolls, which list long distance numbers called and billed to a given number, on each phone for which they are going to seek a tap and on the phones of other possible subjects who may be runners, couriers, bagman, and the like. These tolls should be secured on a weekly basis and should be analyzed to determine patterns, procedures, and methods of operation. It should be noted that a "pen register" which records the phone numbers dialed on a given phone, is not an eavesdropping "device" under Title III. However, while a search warrant may not be necessary for a pen register, it is recommended that investigators submit an affidavit to obtain a court order. The court order will establish probable cause to institute the pen register, it will give the officers the necessary authority, and it will direct the telephone company to cooperate.

Investigators must show that they have attempted to infiltrate and break a particular illicit operation through traditional means, such as the use of informants, and have been unsuccessful. It is incumbent upon the officers to specify what they did, why they failed, and why informants cannot be utilized. If a case can be broken by the use of a conventional search warrant, then a Title III cannot be obtained. Therefore the officers must show that it is, or was, impossible to execute search warrants in the case. Officers must show that a controlled buy has been tried unsuccessfully or that it would be impossible to use that method. They must show that they cannot acquire the information needed to develop the case through the use of grants of immunity. In short, a Title III is very difficult to obtain. It was intended to be that way, and the federal and state attorney general offices have been going along with that intent.

Before the court order is requested, the narcotics unit commander should have a meeting of all pertinent staff to decide where and how the tap will be set up and who will monitor. Along with the monitors, the unit must have a surveillance team at or near the location to handle any necessary surveillance of suspects entering or leaving the suspect's location. Case investigators should take photos of all suspects involved

so they can be shown to other unit investigators. This is necessary because, typically, those investigators who are most familiar with the case will be busy monitoring the tapes.

During the progress of a surveillance, regular briefing sessions should be held so that case personnel are kept up to date on important activities. This is especially true for the monitoring officers. As each monitor goes on duty, he should be briefed on what occurred during the previous shift.

In considering a location for monitoring a tap, unit personnel should select a location that will arouse the least amount of curiosity. Preferably, the site will also serve as an observation post from which those persons monitoring the tap can see who enters and leaves the location being tapped. The location for monitoring should be large enough to house the necessary equipment and materials. If possible, the monitoring facility should have two rooms, one for listening and one for resting or sleeping. The facility should have a washroom with toilet facilities, and some attention should be paid to problems such as food supply for monitors.

A decision will have to be made whether to transcribe the tapes at the monitoring location or at the unit office. Regardless of where it is done, a second tape should be copied from the master tape, to be used as a working copy. The master tape should never be used for transcribing because it may be damaged or erased. Instead, the master should be filed as evidence and the copy used for transcribing.

The master tape recorder should never be stopped. Instead, the minimizer button should be used to exclude all privileged conversations and non-narcotics case related phone calls. This will assist in assuring the court that there has been no cutting or splicing of the master tape, and that nothing was deleted other than through minimization. Tape reels should be changed at regular intervals such as the end of the shift, or daily at a certain time, to establish safe and practical methods for handling.

Complete and accurate logs of all monitored conversations must be maintained. They should indicate, in summary form, what was said, at what time, and by whom. The logs will be the basis for progress reports that must be prepared and filed with the court every five days. At the same time, these logs will indicate what follow-up action was necessary to confirm or corroborate what was said. Thus, while agents are monitoring the wiretap, others are coordinating unit efforts in the field. In order to effectively utilize the wiretap information and coordinate it with investigators in the field, the unit will also need officers doing "leg work" on the street.

Every tape, every log, every scrap of evidence must be authenticated. It must be identified, initialed, and dated. Every phone toll, voucher, receipt, cancelled check, money order, and the like, must be secured, authenticated and catalogued away. All phone tolls must be secured as soon as possible, and phone companies must be advised not to destroy originals, since they will destroy the original records within six months if not told otherwise.

As can be seen, a Title III electronic surveillance can be time consuming and expensive. A wiretap demands that the investigative agency be prepared to devote large amounts of time, personnel, equipment and money to complete the task. Depending on the information required, an extended wiretap can be costly, even if the cost of necessary equipment is excluded. As an example, the average cost of an intercept by state agencies in 1974 was $8,084.

CHAPTER NINE

# NARCOTICS INTELLIGENCE*

## THE INTELLIGENCE PROCESS

All police departments, regardless of size, are involved in some aspect of criminal intelligence. Whether or not a department has a formal intelligence section, its narcotics unit must undertake narcotics intelligence activity. Narcotics intelligence, like general criminal intelligence, incorporates a process which consists of five interrelated steps. These are information collection, evaluation, collation, analysis, and dissemination. It is through this process that raw information is refined into usable intelligence for the unit.

Information collection is the initial step. It refers to the gathering of raw information on the activities of those persons suspected of being involved in narcotics activity. Information is ordinarily collected in two ways--overtly and covertly. Most information is gathered overtly. An example of this is the patrol officer who assists a narcotics unit through observation of suspicious activities. This information might include data on observed activities of known pushers and addicts, their associates, individuals with whom they have been seen, places they have frequented, and the license numbers and manufacturers of vehicles they use. Overt narcotics intelligence gathering also includes obtaining information from the district attorney's office, newspapers and magazines, public records and documents, license applications, and other police agencies.

If overtly produced information indicates that narcotics activity exists, covert methods can be used to produce more detailed information about the nature of these activities and the identity of the individuals involved. Covert intelligence is collected through the use of physical surveillance, electronic surveillance, informants, and undercover agents. The unit should use physical surveillance to keep track of the movements and activities of targeted suspects. Since physical surveillance alone cannot provide the unit with the plans and motives of the suspects, the unit should supplement its information with other covert means. By using wiretaps, tape recorders, and other electronic devices in accordance with legal and local policy requirements, the investigator is able to learn what is said during a conversation between suspects. Electronic surveillance can provide the narcotics officer with evidence that will tie a suspect directly to a crime.

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*Material in this chapter is based on:

Manuel R. Garza, Multi Agency Narcotic Unit Manual (1976), LEAA, Washington, D.C.

International Association of Chiefs of Police, Training Key No. 223, Criminal Intelligence, Gaithersburg, Md.

International Association of Chiefs of Police, The Police Executive's Organized Crime Enforcement Handbook (1975), Gaithersburg, Md.

Evaluation of information mainly consists of determining whether or not a piece of information is accurate, and it is principally done by those officers who have definite knowledge of the content of the information and the source. Hence, the officer providing the information should report on the reliability of the source and the credibility of the information before information is passed along to be collated and analyzed, so that the individuals concerned with these latter steps can make accurate judgments. The information should be given a grade or code which indicates its value. Thus, a letter, number, or color code should be given to indicate the validity of information and the reliability of the source. For instance, a number code of "1," "2," and "3" can be used to designate whether a piece of information is respectively factual, rumor, or unknown. A letter code can be used in the same manner to categorize the source of the information as to reliability, i.e., highly reliable, usually reliable, seldom reliable, and reliability unknown. Hence, the users of the information are provided with an immediate and accurate assessment of the value of the information.

Collation is the third step in the intelligence process and it consists of organizing information or raw data into some logical sequence or pattern by which a particular operation or on-going activity can be understood. Information, as it is obtained, flows in bits and pieces from different sources in non-chronological sequence. Hence, it must be arranged in such a way that relationships are discernible. This, in turn, will facilitate the filing, cross filing, and retrieval of the various pieces of information. Collation also facilitates the analysis of information.

Analysis, the fourth step in the process, is basically the separation of potentially valuable information from worthless or inaccurate data, and the conversion of the information into fihished intelligence. In a large narcotics unit, one or more officers may be assigned the role of intelligence analysis. On the other hand, the entire intelligence function in a small unit may be the responsibility of only one individual. Regardless of the unit size, the primary contribution of the analyst is his or her ability to piece together the bits of information to form a working hypothesis.

Dissemination is the final step in the intelligence function. The first four steps result in an intelligence report. This report is submitted to the department head to assist him in making decisions. The report must be objective, and must clearly distinguish between facts and assumptions. In addition to a summary of the information considered to have value, the report should contain conclusions based on that information. The intelligence reports should be routed directly to the unit commander from the analyst. Dissemination to other units should be at the discretion of the unit commander, and should be done based on the purpose and content of the report, the need to know, the confidentiality of the informant or source, and the progress of the on-going information.

The types of intelligence that law enforcement agencies work with are tactical and strategic. Tactical intelligence is that information regarding a particular event that can be of immediate use to a unit. For example, information regarding the types of vehicles a dealer uses would be tactical intelligence since it is of direct value in the setting up of a surveillance. Tactical intelligence may lead directly to an arrest or to recognition that more information is needed. Strategic intelligence, on the other hand, is information about patterns of existing criminal activity or trends which are developing. It is usually developed from information which is collected over a period of time. When sufficient data is available, the intelligence analyst identifies and reports patterns of criminal activity to the unit commander.

## UTILIZATION OF PATROL OFFICERS

Narcotics units usually cannot devote long periods of time to intelligence-gathering. It is to their advantage, therefore, to encourage patrol officers to report what they see and hear. The patrol officer, on a daily basis, hears about criminal matters through informal conversations with people on his beat. These people, who might include storekeepers, newsboys, automobile dealers, barbers, and other reputable citizens, can often be valuable sources of information. They are usually law-abiding citizens who have wide contact with other members of the public.

Every patrol officer can contribute to narcotics intelligence by observing and reporting incidents and situations he sees daily that might indicate narcotics activity. Unfortunately, many officers tend to think that the intelligence mission is a specialized function, and thereby underestimate is importance. They often think that narcotics intelligence gathering should be done by narcotics undercover or surveillance teams. Moreover, some patrol officers intentionally withhold information because they perceive the intelligence process as a one-way street. That is, they continually report information but seldom, if ever, receive feedback from the units to which they contribute information. Unit personnel must inform patrol officers (through roll-call training programs, informal contacts, or training bulletins) that restrictions placed on the distribution of intelligence are necessary. All police officers should recognize that they work within a total system where the need to know dictates who will receive intelligence reports.

Often, patrol officers are uncertain about the type of information which would be of value to the narcotics unit. Without compromising the security of on-going cases, narcotics unit members can often specify that information on certain known pushers or addicts would be valuable to the unit. Additionally, the unit can educate patrol officers as to those actions, events, and paraphernalia that are indicative of narcotics activity. In short, a good policy is to have patrol officers report all information that might possibly help the narcotics unit carry out its mission. The narcotics unit can then evaluate the information. Unit personnel should also explain to the reporting officer the method for making a judgment of the reliability of those who supplied the information, because he is in a better position to evaluate the reliability of his source than the intelligence analyst.

## DUTIES OF THE INTELLIGENCE ANALYST*

It should be remembered that the nature of the duties of the analyst will vary from unit to unit. In small units, the commander or the supervisor may perform intelligence analysis. In some units, the person responsible for the files may also do analysis, while in larger units one or more persons may perform analysis on a full time basis. Analytic activities include:

- Reading and indexing incoming reports
- Developing and maintaining, as personal tools, files and sources of information that relate to the analyst's particular responsibilities.
- Identifying information requirements
- Performing research and analysis as required
- Preparing intelligence reports

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*Material in this section is based on: Don R. Harris, Basic Elements of Intelligence (1975), LEAA, Washington, D.C.

Reading and Indexing. It is the analyst's responsibility to review all reports and other routed materials. The analyst must concentrate on how the material contributes to his area of responsibility rather than simply reading the material for general awareness. In this sense, the information requirements of the analyst differ from those of the investigator. The analyst should continually refer to a list of information requirements and tentative hypotheses about narcotics activity in the area. In this way, previously identified gaps can be filled.

A corollary to this activity is a systematic review of daily newspapers and other periodicals to discover leads to potential areas of narcotics violations. The analysis should make note of narcotics activities in other jurisdictions that may occur in the future in his jurisdiction, and new approaches being used in other jurisdictions to fight forms of narcotics activity. The analyst should consult others before discarding a potentially useful item or burdening the filing system with useless information.

While reading reports, the analyst indicates how a report is to be indexed by underlining appropriate items, such as names, addresses, license numbers, and dates. Lengthy reports should be abstracted, and the filing category in which the abstract is to be placed should be noted. The abstract informs the user of the contents of a report or article. It functions as a table of contents and hence should be a concise statement of the contents of that particular file. A list of headings under which the item is indexed should also be included on the abstract form.

The files of a unit are among the analyst's most useful tools. As such, a continuous flow of inputs to the unit's central files is critical. The quality of the file contents and the utility of the filing systems as a whole depend on the care with which reading and indexing activities are undertaken. These duties should be performed systematically to insure that all relevant and practical sources of information are reviewed and properly integrated into the filing system.

Developing and Maintaining Information. Each analyst should develop and maintain personal research tools. These include lists of names, sources of information, association charts, and operating assumptions that help him keep up-to-date on trends and new developments. Such personal tools contain unverified information and tentative hypotheses that the analyst has formulated about major narcotics activity. These are readily available to review while reading incoming reports. It should be noted that use of the word "personal" is not meant to indicate that the analyst can consider work files as personal property and take them along when changing assignments. The word is used merely to differentiate these informal and unverified materials from the unit's more formal intelligence files.

The types of information utilized in maintaining personal research tools will vary among analysts, but some generalizations may be made. For example, an analyst might record the following:

- Names of criminals known or believed to be operating in the analyst's geographic or functional area
- Lists of personal sources of information
- Names, locations, and overt and suspected covert activities of business establishments
- Up-to-date link diagrams of associations, both verified and hypothesized, among criminals
- Untested or partially tested hypotheses and supportive or conflicting evidence that may be brought to bear and further evaluated against new information

- Documentation of current project activities including successes, failures, uncertainties, and planned future inquiry

- Day-to-day tabulations of data being collected

The common characteristic of the above tools is that they provide the analyst with an orderly structure for his investigations. By imposing logical structure and systematic order on a diverse collection of raw data and seemingly unrelated facts, successful analysis can be undertaken. The analyst uses personal files to impose order on the unverified information and massive array of data received. The organization of information in this manner should not interfere with the normal flow of information into the central files. These are not substitute files, but rather repositories of supplemental information which will help the analyst to understand his material. Personal files should not be so large that the analyst spends much time performing the duties of a file clerk. Finally, the analyst must be careful to avoid breaches of security, including data from sensitive reports in his own material.

Identifying Information Requirements. The analyst is responsible for maintaining, on a continuous basis, a list of information requirements or questions which, if answered, would add to an understanding of developments in his area of criminal activity. The nature of stated information requirements may vary, but they should be as specific as possible and justifiable. The analyst has a special responsibility to recommend priorities among information requirements. In a current major case, any information that would contribute to a successful enforcement action would almost automatically be considered important. Information requirements also grow out of an analyst's hypothesis. The analyst must prove a need for information of this second type. As a practical matter, requirements posed by current cases tend to be given high priority, while the analyst and the unit commander must also provide attention to non-current and strategic requirements. In a sense, the identification of information requirements is among the most important functions performed by the intelligence unit. Asking specific questions provides direction and focus for investigators and other field personnel, thereby effectively utilizing search resources.

Research and Analysis. Research is simply defined as an in-depth investigation of a given problem for the purpose of discovering new facts. It is, perhaps, misleading to equate research and analysis, but they are treated together to emphasize the similarities between them. Both are based upon the thorough examination of a specific problem. In most cases, research will be undertaken to provide information on a subject with which the analyst is somewhat unfamiliar. In this respect, research differs from analysis; research is more concerned with basic information gathering and organizing, while analysis assumes that this activity has been largely completed. The analyst undertakes analysis to learn of a new area of narcotics activity or suspected activities of criminals previously inactive in the analyst's area.

In carrying out the general functions of analysis in the intelligence process discussed above, the analyst can expect to be called upon to bring some specialized techniques to bear on the problems in his area of responsibility. Such techniques are not unique to intelligence analysis; they are utilized to some degree by virtually all law enforcement personnel. What makes them so important in intelligence is their systematic application and development. The analysis itself is defined in terms of a fundamental procedure which consists of three basic steps:

- Summarizing the relevant information

- Comparing the summary with expectations derived from an initial hypothesis

- Explaining the results of this comparison

In summarizing intelligence information the analyst is reducing both the number of individual pieces of information available and the content of each. Facts and speculations from all sources are reduced to those required. This activity is essential to prevent the analyst from being swamped by data that are only marginally relevant to a particular assignment. Summarization differs from collation in that the former is specific and focuses on a specific requirement. When summarizing relevant information the analyst should highlight the important facts and exclude or minimize those that are less important or reliable. The expertise of other analysts and field investigators should be sought in evaluating and summarizing intelligence reports. Although a great deal of tedious effort is required in this step, the process of summarization is most characteristically a preparatory function by which data are reduced to a form that lends itself to systematic examination and comparison of information.

The comparison of data is the critical step in analysis. The data the analyst has organized and summarized are compared to a set of expectations derived from an initial hypothesis. In addition to imposing a general structure on the analysis, the hypothesis is the criteria that determines the significance of observed data. In other words, the analyst, by referring to a hypothesis, formulates a set of expectations and compares actual observations with those expectations. Similarities or regularities in the geographical distribution of narcotics activities or in the activities of a particular suspect will be noticed by a systematic comparison of arrest records and field observation reports.

In the comparison step the analyst asks what is significant. The question "What does this indicate?" is addressed in the final step of analysis, the explanation. In actual practice, the analyst will have some tentative explanation in mind while actually comparing the data, but explanation is actually the final step before producing intelligence reports. The analyst may find that he is unable to explain the results of the analysis, in which case more information is sought, or existing data is subjected to a more thorough examination. In any event, the analyst should determine:

- Whether the data exhibits significant relationships
- The meaning of the relationships or lack of them in terms of the purpose of the analysis
- The larger meaning of these findings in terms of the intelligence unit's overall knowledge of a particular organized crime activity
- Requirements for additional information and/or further analysis

As employed in scientific research, an hypothesis may be defined as a conjectural statement about the relationships that exist among two or more variables. The manner in which hypotheses are used in police intelligence is consistent with this definition, but it may also be stated that hypotheses are working assumptions that are tentatively accepted as true and utilized to focus further investigation and analytic efforts. The primary purpose of the hypothesis as used in intelligence analysis is to structure the analyst's inquiry by explicitly stating the problem under investigation and by limiting the possible solutions to those that are most plausible.

The hypothesis may be a formal written statement that includes all available supportive and disconfirming evidence, or an informal and unstructured idea that occurs to the analyst as he is evaluating some new piece of information. In actual practice, operating hypotheses will fall somewhere between these two extremes. The analyst may find it useful to formulate alternative hypotheses where there is limited information available. This approach, often used in the early stages of determining the meaning of a new collection of information, keeps the analyst from focusing too soon on a single hypothesis, which may be wrong. As new information is gained, it can be tested against several hypotheses. Normally, in time, a perceived pattern in the information

will be recognized. It must be remembered that the business of intelligence is to probe allegations and suggestions of criminal activity rather than to build an evidential case. If the intelligence analyst's hypothesis is accepted, it becomes the starting point for case building.

## INTELLIGENCE FILES

Intelligence files are the analyst's most important single resource. It is through the systematic collation and comparison of raw data that finished intelligence is produced. In fact, "intelligence" often refers more to the ways in which information is organized and used than to the content of that information. For these reasons, proper use of the files by analysts assumes particular importance.

When beginning a new project or when responding to requests for a specific assessment, the analyst should examine the files for information on the subject before collecting new data. A search through the respective indexes and data files may provide enough information on a suspect person or on a particular illicit operation to fulfill a tactical requirement. At a minimum, a thorough examination of data currently on hand will help direct further collection efforts.

Another important use of the central intelligence files is in following up new information presented in field reports or derived from other sources. Upon receipt of new information, the analyst will often consult the files to help place the new information in context. Through such follow-up activities the analyst may recognize patterns of activity for a particular suspect or connect a previously unfamiliar criminal or racket with known activities documented in the files.

Much of intelligence analysis is concerned with establishing the relationships among seemingly diverse pieces of information in general, and among seemingly diverse individuals and activities in particular. Efficient intelligence files are structured, not only to accommodate such relationships, but also to simulate them by cross-referencing people, places, and actions.

There are several approaches to organizing the intelligence filing system. Selecting the best one depends on the needs of the unit. In some very small units, the file system consists solely of jacket files, in which all reports on a specific individual are filed in that individual's personal folder. This traditional approach poses severe limitations to rapid retrieval of information since specific raw data are not indexed and retrieval must rely heavily on the memory of file room personnel. It does not provide a way to determine quickly the extent of information that may be accumulating on criminal activity by geographic area or at a specific location, or by category or subcategory. Thus, it cannot provide the analyst with classes of information necessary to establish links or to assess patterns or trends in criminal activity.

This method can be improved by establishing a master name file in which all reports pertaining to an individual are indexed onto a file card that contains the person's name, the report number, date, and the type of activity. The report itself can then be filed according to the file system--in the individual's jacket file, an intelligence case file, or serially by report number. The name-index card allows rapid retrieval of a specific report wherever it is filed by querying the master name file and identifying the report by number or name. The card also provides a quick summary of the criminal activity related to the individual.

Indexing. The file must provide multiple paths for querying the stored information. This can be done by indexing all items of relevant information to the subject or functional category. Normally, this is accomplished by using index cards on which the desired amount of information is recorded concisely, with reference made to the basic document. While indexing in this manner takes more clerical time, the cost is

more than offset by an improvement in analyst efficiency. A normal set of card indices would include: Name, Aliases, Address, Telephone numbers, Auto licenses. Suggestions as to information to be included on each type of index card follow:

1) Name Index. This should include, in addition to the individual's name, the aliases used and the birthdate. The intelligence report is then indexed onto the name card by recording the date, report number, and the criminal activity or the code for the criminal activity. A new card can be made out each time a report is received, or successive reports on the same individual can be recorded on the card. The accumulation of reports on an individual may indicate that an important new criminal figure is emerging.

2) Alias Index. This card should relate aliases and nicknames to names of known criminals who are called by such nicknames and aliases. Often an informer knows an individual only by a nickname. Indexing in this manner may initially help to identify a known criminal in a new area. Alias cards can also be filed alphabetically in the Name Index, eliminating the need to check more than one file.

3) Address Index. This should, at a minimum, include address, precinct (or area of jurisdiction), and type of premise (residence, bar, restaurant, pool hall). Each report is indexed on the address card as it is on the name card so that reports of activity at a specific address can be quickly retrieved. The accumulation of entries on a specific address may indicate a new focus for criminal meetings that demands further investigation.

4) Telephone Number Index. The telephone index file should be restricted to those numbers having useful information. For example, reports of who uses a particular phone, and whether it is a home, bar, or public phone can be helpful. They suggest relationships as to what type of activity is going on or being planned. Other than this type of material, information on telephone numbers is readily available from the telephone company.

5) Auto License Index. This is required where either the state has not computerized its license records or a narcotics entity is otherwise unable to query a state-computerized system directly through its own console. Even with a computerized system, an index system may be useful to keep track of persons other than the registered owner who use a car. A card index is also important where out-of-state cars become involved in criminal activity in the jurisdiction.

Two other useful indices are a biographic form and a location index. A biographic form is based on the belief that it is necessary to gather all information possible in one place concerning major known or alleged criminals in the jurisdiction. This is of great assistance to the analyst in responding to requests for information on such persons. The usefulness of the approach is greatly enhanced if the form is kept up-to-date and has an index attached to it, recording the base documents from which the biographic data are derived.

The location index offers a place to abstract a brief note concerning all reported crimes (or at least those categories of criminal activities of interest to the intelligence analyst) occurring either at a specific location or in a selected geographic area. This index can be useful in discovering associations among criminals who engage in different types of crimes, for example narcotics and fencing, or fraud and shylocking. It is the law enforcement agency that categorizes crime and observes jurisdictional boundaries, not the criminal.

In these major indices--biography and location--each report should contain a brief abstract of important points. If done correctly, the need for retrieving the basic report would be reduced or eliminated. The abstract should include names of known or alleged criminals, together with a concise statement of their reported activities, and

where and when they occurred. Often this is enough for the analyst to link persons and locations, or criminal activities and persons. By photocopying the forms as new information is added, the analyst can have updated information on assigned areas of crime at all times. This data can be referred to as the analyst reviews the daily flow of new information. Hence, much clerical and reading time can be saved.

Basic Report Filing. An important decision with respect to the filing system is how and where to file basic reports. Often the basic report, once indexed, is filed in a jacket file of the most important person mentioned or in a criminal activity file which is central to the report. Some agencies have a system in which intelligence case numbers are given to certain major criminals, types of criminal activity and areas, and the basic documents are filed accordingly after being indexed. In either of these cases, if the report refers to more than one person or type of criminal activity, each must be recorded on its own index card and cross-referenced to the jacket where it is filed.

The recommended approach is to file all reports in series once they are indexed. Analysts and clerks can rely on cross index files and abstracts for searches.

Indicating Sensitivity and Reliability. The need to mark information to indicate its sensitivity and reliability is often overlooked in intelligence information handling. The sensitivity of information relates both to its source and its content. For example, information that could only have come from a source close to the inner circle of a criminal group would be sensitive because, should any group member learn that the police had this information, the informant could be identified. Similarly, if information concerning expected criminal activity were discovered, it could "blow" the eventual enforcement action against this group of criminals. Thus, a single report can be sensitive in terms of source and substance.

In order to protect sensitive information, the intelligence analyst must have a means for indicating the degree of sensitivity of the information. The material can be marked with a numerical or letter code that can be associated with the report as a whole or parts thereof. Determining sensitivity is usually the responsibility of the person or agency forwarding the information to the unit. However, in certain circumstances the unit classifies information because of its awareness of other information.

Defining degrees of sensitivity is sometimes difficult because all information that enters the intelligence system is considered confidential. Thus, ordinarily, information in the intelligence system is classified either as "confidential" or as "sensitive," meaning it must be controlled by the unit commander and not circulated through normal channels. This confidential classification is necessary to protect the integrity of the system as well as the privacy of the persons to whom the information relates. Hence, information in the intelligence system must be circulated only to those with a right to such material (for example, a law enforcement officer) and a need to know (working on a case where the data are relevant). To classify information above confidential--that is, sensitive--should mean that the originator believes access to the information should be restricted. Thus, it cannot be processed in the normal manner and entered into the general intelligence file but must be kept initially in a secure file to which access is limited to those receiving express permission by the unit commander.

Reliability of information poses a similar problem. The bulk of material the intelligence unit receives consists of allegations, most of which may at least initially be unverified. There may be doubt about the accuracy of the source, or information already in the files may dispute the new information. The subject of the information (either a person or activity) may be new, and further investigation may be required. Therefore, it is imperative that the originating source indicate the reliability of the

information on the report. In some cases, the analyst may give the information a second classification as to its reliability that is based on knowledge of other related material in the files.

An understanding of the reliability of information is also essential to protect the privacy of individuals. The intelligence unit must be wary of circulating information, the validity of which is in doubt. But if the material must be circulated, the intelligence unit must state its reservations clearly on the report. An example of the need for care in handling such material is an allegation received about criminal acts of politicians or civil servants. Such reports must be treated with special care because such allegations may have been made for political reasons.

Figure 1 presents an approach to coding material for its sensitivity and reliability. For the reasons cited above, two classifications are deemed necessary for sensitivity. The material is either believed to be sensitive and treated accordingly, or it is simply treated as confidential. The reliability coding is based on the belief that two factors should always be taken into account in determining the reliability of the material, namely, the source and the substance of the report. Rubber stamps can be made so that material can be marked "Sensitive" or "Confidential." The codes for sensitivity ("SS" or "SC") are for ease in marking index cards. Highly sensitive material should be stored in a safe with access limited to the unit commander or other designated persons.

Figure 1: SUGGESTED SENSITIVITY AND REPORT EVALUATION CODES

Sensitivity Coding

| | | |
|---|---|---|
| Sensitive (SS) | Must be closely held to avoid jeopardizing the source or the initiation of an important investigation | Material so stamped must be stored in a locked file under direct control of the unit commander or his designee |
| Confidential (SC) | May be circulated in and outside department to law enforcement officers with need to know | Standard operating procedure for handling to be established by unit commanding officer and approved by chief of department |

| Reliability Coding | Source |
|---|---|
| A | Law enforcement officer |
| B | Source known and reliable in past |
| C | Source known but not always reliable |
| D | Reliability of source unknown |

Report-content Coding

| | |
|---|---|
| 1 | Factual |
| 2 | Probably true |
| 3 | Factuality unknown |

Privacy Considerations. The file system must take into account the problems raised by statutes directed toward protecting personal privacy. It is no longer possible to enter all information on individuals into intelligence files automatically as it is received. Each item must be subjected to the test of relevancy and to its legality under appropriate state and national laws. There is little problem during an active case in which searches have been carried out with warrants. What is touchy is the decision on allegations where the source is not known or has not been totally accurate in the past, or where there is no criminal record on the subject.

One approach that may help resolve or at least minimize this problem, is the use of a temporary file. The operation of the temporary file would be based on the following ideas:

- The file is primarily for reports on individuals rather than on activities.
- The analyst (or whoever has the responsibility for deciding on material to be put in the files) should put reports into the temporary file if the main file has no other information on the principal subject in the report and if the investigator has indicated reservations about the accuracy of the source on this particular subject.
- If the report has references to several suspects, only one of whom fits the above definition, all suspects should be indexed into the main file except the name in doubt. That name should be noted in the temporary file until its final disposition is determined. If the doubt is removed, then the name will be indexed into the main file.
- It is essential that information in the temporary file not be disseminated outside the intelligence unit, except to other elements of the same department with the express approval of the unit commander and the understanding that it is not to be used in any manner which might cause it to be circulated.

A reasonable time limit must be placed on how long material can remain in this file while its validity is being checked. A reasonable time would seem to be six months. If no acceptable supporting information is received in the stipulated time, the information must be removed from the file and destroyed. In this manner, the privacy of persons against whom allegations cannot be supported can be protected. Where the information is corroborated, it should be indexed and entered into the main file.

The temporary file may simply be one in which basic reports are filed chronologically. Another approach followed by some organizations is to maintain the temporary nature of selected reports on individuals where the fact of criminality is in doubt by indexing that report on special colored cards and/or putting colored tabs on the reports. The result is the same. File room personnel are alerted not to disseminate the information so marked.

## PREPARING INTELLIGENCE REPORTS

The final products of intelligence analysis are presented in formal intelligence reports. Although the actual content and format of the report vary with the type of activity, the following primary types of intelligence reports are recognized.

1) Oral Tactical Response. The simplest and perhaps most common type of intelligence report is the oral report. This is most often made in response to a specific request by investigators or other units in the department. In producing such a

report, the analyst is usually providing information on a particular person, his recently reported activities, and associates. The content and format of the oral response will vary greatly, conforming to the requirements of the user or to the nature of the requested information. Oral response should be noted so that the analyst and his supervisors are aware of current requirements for this type of intelligence report. A record is maintained of all information disseminated from the intelligence arm of the unit.

2) Written Tactical Response. Reports of this type will most often be in response to a request for an assessment or estimate about a particular narcotics operation, suspect, or business. Even though the person requesting the report will probably know why it has been written, the purpose of the report should be explicitly stated. Next should come the conclusion and, if appropriate, recommended actions to be taken. If the report is lengthy, which is not often the case in tactical intelligence, a summary of the contents should be included that incorporates both the conclusion and recommendations. Generally, however, tactical reports will be brief and focus on a specific enforcement problem. They will, therefore, not require lengthy discussions of supplementary information.

3) Strategic Reports. Strategic intelligence may be generally characterized as an estimate of the extent and nature of a criminal activity, usually geographically or functionally based. It will include an assessment of the current situation and an estimate of trends and future developments. It is more discursive than tactical reports, but the same general requirements for succinct presentation exist. The purpose of the report should be initially stated followed by conclusions, recommendations, and a summary. The latter should contain a concise statement of the operating hypotheses and assumptions utilized in the analysis. The strategic report deals more with future activity and involves a greater degree of uncertainty with respect to its findings. Therefore, a more thorough discussion of the analytic procedure is important to enable the intelligence consumer to evaluate the evidence and assumptions upon which the conclusions are based. The analyst should also explicitly identify what he perceives are the major shortcomings or uncertainties of the report.

CHAPTER TEN

# UNDERCOVER OPERATIONS*

Unlike most criminal offenses, the sale of narcotics typically occurs between two individuals neither of whom could realistically be classified as a "victim." Hence, in this type of criminal activity there is no complaint report and no complainant to interview or to give court testimony. Confessions or admissions from the participants in a narcotics sale are not obtained until after an undercover buy has been made, if then. Illicit sales typically are made under the most private circumstances. For these reasons, the narcotics investigator must rely on undercover work to make an arrest or to make the undercover buy, which leads to an arrest.

Of all police assignments, probably the one that is least understood is that of the undercover officer. Many people visualize this role as similar to the super spies characterized in the movies. Others see the undercover officer as a self sacrificing individual who cuts himself off from his family and friends for extended periods of time so that he can live within the drug community until the completion of his assigned task. Both of these views are somewhat extreme and unrealistic. While undercover assignments are hazardous and require extensive preparation and training, the actual contact with the dealer and his associates is kept to a minimum. Typically, in most municipal, county, and state narcotics unit operations, the undercover assignment calls for making a contact and a quick buy, a waiting period, and then the arrest.

Normally, an undercover investigation should not be attempted until other investigative techniques have failed or are deemed impractical. Similarly, the investigator should begin an undercover assignment only after receiving authorization from his commanding officer. This ensures coordination of operations and increases the safety of the officer. It should be remembered that successful investigations are the result of team work and the undercover officer is only part of the team. Subsequently, the undercover officer should fully understand the objective of the particular mission and if possible, should assist in developing investigative policies.

## BUY OPERATIONS

Ultimately, the arrest of a suspect will probably stem from a "buy." Narcotics may be purchased directly from the suspect by an undercover police officer; an

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*Material in this chapter is based on:

Drug Enforcement Administration, Drug Law Enforcement Officer's Manual, DEA, Washington, D.C.

James A. Hildebrand, "The Undercover Narcotic Officer--Practices and Techniques," Police Chief, IACP, Gaithersburg, Md.

International Association of Chiefs of Police, Training Keys No. 84, Follow-up Investigation; and No. 140, Narcotic Investigation, IACP, Gaithersburg, Md.

John B. McLaughlin, The Drug Investigator's Manual (1974), L.E. Publishers, Chicago.

informant may make the purchase; or police surveillance units may observe a purchase made by a third party.

The agent buy case directly involves the undercover officer in purchase of a controlled substance. This type of case is ideal for prosecution because the trafficker has sold directly to a law enforcement officer, and that fact usually convinces a jury of the suspect's guilt. Generally, the only way that this type of case can be lost in court is if the buy was made through illegal methods (see later material in this manual on entrapment). The agent buy case is almost always initiated through an informant who introduces the undercover officer to the suspect.

The controlled informant buy is the least prosecutable of buy cases because the informant is usually involved in criminal activities himself. Since such a case requires the testimony of the informant, it becomes a matter of one criminal's word against another's. Still, sometimes the informant buy is the only route available to investigators. If a controlled informant buy is to be made, the following procedure should be followed:

a. Thoroughly debrief the informant.

b. Make some independent effort to authenticate the informant's information.

c. Make no promises to the informant. His participation must be completely voluntary.

d. Have the informant telephone the suspect while the call is monitored.

e. Attempt to set the meeting for daylight hours in the out-of-doors to allow the continual surveillance of the informant.

f. Thoroughly debrief all assisting officers.

g. Strip search the informant.

h. Give informant official funds in marked bills.

i. Thoroughly brief informant.

j. Advise surveillance officers about the informant's appearance.

k. Set pre-buy surveillance at least one hour before the meeting between the informant and the suspect.

l. After the buy, pick up the informant and secure the evidence.

m. Strip search the informant after the buy.

n. Take a written statement from the informant, giving emphasis to details occurring while he was out of sight or hearing.

o. Return the informant's personal belongings and get a receipt.

p. Corroborate the purchase by taping a call from the informant to the suspect in which the informant complains about, or praises the quality of narcotics purchased.

q. Advise informant how and when to maintain contact with the unit.

The buy operation can be further classified with reference to the anticipated arrest strategy. Generally, the police may use either the "buy/bust" technique or the "walk-away" buy.

The buy/bust operation is a very useful procedure for narcotics units. By using a buy/bust, the unit does not have to actually spend its buy money. After a number of small preliminary buys have been made from a suspect, the investigator can negotiate a purchase for a much larger quantity. The dealer is arrested at the time of sale without actually turning over the buy money. The greatest advantage of the buy/bust is that it is economical. It allows the unit to make arrests for major sales while expending funds for only one or two small preliminary buys.

The "walk-away" buy is made by an officer, but an arrest warrant is obtained at a later time. There are three major advantages to using the walk-away buy. The identity of undercover officers or an informant is not given away by making the arrest at the time of the buy. All arrests in an area can be delayed until a simultaneous series of raids can be conducted. If a unit has made several buys from a suspect and learns that a major shipment is arriving, it may be able to synchronize the service of the warrant with the receipt, cutting, or distribution of the shipment. The main disadvantage of the walk-away buy, beside the fact that each buy will have to be small in order to minimize the loss of unit funds, is that execution of simultaneous arrests is expensive in terms of manpower and unit resources. Secondly, many drug traffickers are highly transient and may be difficult to locate after the first buy has been made.

The narcotics unit should always try to minimize the amount spent on these buys. A narcotics unit will run out of buy funds long before it runs out of drug dealers. Therefore, narcotics units must sometimes undertake buy/bust operations where their preference may be for walk-away buys. When the unit decides that it must make a large walk-away buy in order to get to the dealer's source of supply, the amount of money needed may be too large for its resources. In this case, the local unit might consider going to a state or federal narcotics agency for assistance in obtaining the buy money.

Some units make a majority of their arrests with buy/busts, while others rely primarily on walk-away buys. The variance in policy is due to the amounts of confidential funds available and the differences between local communities. In a rural setting, a unit can make three small walk-away buys (with little investment), obtain the necessary arrest warrants, and get a court conviction. Conviction for sales, even small ones, may get the dealer a five or ten-year sentence in rural areas. A similar case involving small sums probably would be reduced to simple possession in a major metropolitan city. Therefore, big city officers have to increase the size of the buy. By increasing the size of a walk-away buy, however, the unit increases the amount of money that will be lost with little chance of recovery. Therefore, in the larger cities, or in units where the buy money fund is small, the unit has to emphasize buy/bust techniques.

The number of buys that are needed for a particular case will depend on a number of variables, including the prevailing attitude of the local court, the relative size of the buys, the likelihood that the seller may move away, the desire of the unit to remove an informant from any connection with the sale, or the possibility of catching the seller with a large cache of contraband. When time becomes a factor, the unit may consider making an additional buy shortly before warrants are obtained in order to keep the case current. Better still, the undercover officer might make contact with the suspect wherein the officer determines that the suspect is still dealing narcotics. The officer might schedule another buy, although it will never be made, so that he can testify to the fact that the suspect was still dealing prior to arrest. Even though a unit intends that two or three preliminary buys will be made, it may subsequently become necessary to seek a conviction on the basis of one of these preliminaries, if the larger case must be abandoned for some reason. Therefore, report writing should be conducted each time with the intention of going to court with every buy if necessary.

Some narcotics units maintain a policy where undercover officers are allowed to make small undercover buys at their own discretion, without prior approval. The disadvantages of using this technique should be considered. First, there is a danger to the officer, since he has no surveillance team to assist him if something goes wrong. Second, a large number of buys may be wasted because, lacking any preparatory information gathering, the officer may not even know the suspect's name or place of residence. Consequently, the suspect may not be found after a "John Doe" warrant is issued. Third, a good defense attorney might claim that an undercover officer who makes 15 or 20 opportunistic buys a month cannot effectively remember details about a defendant who sold drugs to him several months ago. In spite of these disadvantages, in response to pressure brought upon a unit regarding a large number of street-level dealers within a particular geographical area, some police departments use unsupervised buys of this type for several weeks to diminish trafficking activity in that area. All in all, unsupervised buys, whether they are "John Doe" buys or buys where the suspect is known are not recommended because of these disadvantages.

The observed sale case is another variation of a buy case applicable to street level enforcement. The officers observe a drug transaction, arrest the parties, and charge the seller with selling a controlled substance as well as possession. As one can imagine, this type of case is difficult to make. However, cases can be developed on suspects who can be observed selling on the street or where the unit has received reliable information on a pending sale.

## USE OF FLASHROLLS

A very essential part of unit operations is the use of the "flashroll," which is the money shown to the narcotics dealer to induce him to make a sale. The appropriate size of a flashroll needed by a unit depends on local sales and distribution patterns. Flashrolls used by many units range up to $50,000 or higher amounts.

The source for flashroll money also varies. In some units, the money is borrowed from the city treasury or from banking institutions that lend money without interest on the signature of city or police officials. Occasionally, when the money to be flashed is too large a sum for one department to provide, state and federal narcotics agencies may assist in obtaining it. Unit investigators should be aware that, if other agencies are asked to provide some of the flash money, they will automatically become involved in the operation. At the very least, since they are responsible for the money and want to protect it, they will want to impose situational controls which are in keeping with their own policies and procedures.

Recognizing that police officers have been killed for a flashroll, the undercover investigator should know the suspect's criminal background and his potential for attempting a robbery. The investigator should determine if the suspect has been dealing in large quantities for some time, or if he just started. Moreover, the preliminary meetings with the suspect will enable the investigator to learn if the suspect is habitually armed or not. One possible indicator as to whether a situation may be a rip-off attempt is the relative scarcity of the drug being purchased. If the item has been very scarce, there is a strong possibility that the suspect may not be able to deliver and, in fact, may have no intention to deliver the narcotic. Investigators should also know the current value of what they are dealing for prior to the transaction. If the value of the narcotic to be sold is too high or too low, they should be wary. Moreover, the investigator should be cautious if the suspect is adamant about setting up the sale under conditions conducive to a rip-off or, on the other hand, the suspect is too willing to agree to conditions which are clearly disadvantageous to him. In short, the investigator must sometimes rely on a "feeling" that conditions are not "right."

When agreements are made for the "show" of a flashroll to convince a seller that the undercover buyer does, in fact, have enough money to make the purchase, the operation should take place at a location that has the following characteristics:

a. It is well lighted.

b. Surveillance agents have ready access to the buy scene and a vantage point to observe it.

c. The suspect's escape routes can be easily blocked.

d. The involvement of unknowing citizens is minimized.

e. When a motel is used, two rooms with an adjoining door for rapid access by officers should be employed.

f. The area or room must not be easily accessible or easily seen by the suspect's associates.

When a flashroll is being shown, an electronic listening device should be utilized. This may be either a room listening microphone, a body transmitter on the undercover officer, or a listening microphone in a car being used for the "show." The bills used in the flashroll should be recorded by either recording the serial numbers or by making photostatic copies of all the bills.

To ensure that a flashroll is not "ripped off" at the scene of a buy, narcotics units have developed various means of protecting the money. One such method is as follows.

After the details about the amount of drugs to be purchased and the price to be paid have been negotiated, the suspect is told that the "buyer" (the undercover officer) will telephone the suspect when the money is to be shown to him. After plans have been developed by unit personnel, the undercover agent telephones the suspect from a phone close to the suspect's residence. The suspect is told that he will be picked up in five or ten minutes to look at the money. The short time frame is important in preventing the suspect's setting up a rip-off operation. The undercover officer then picks up the suspect to take him to see the money. The suspect is then driven to a predetermined spot, such as a large parking lot, where other investigators have a surveillance vantage point. The suspect is then taken to a second car, and the trunk is opened. The money is shown to him and he is allowed to count it. If the suspect balks or argues, the buyer simply states that he has shown good faith; he has shown the money. Any argument that the dealer's connection also wants to see the money can be resolved by having a polaroid picture taken of the money alongside a newspaper with that day's date indicated. The arrest and seizure can be made either when the undercover officer is taken to the narcotics or when the narcotics and money are brought together at another location, which should also be out in the open where escape routes can be blocked and the back-up teams have ready access.

If at any point the dealer appears to be placing too many conditions on the "show" operation, the officer should back off the buy. There is no reason why the unit should take large risks of losing money or getting an officer injured. Usually, the sight of the money and the possibility of losing the sale are sufficient inducement for the dealer to agree with the buyer's conditions.

Briefly, another technique in showing a flashroll is to rent a safety deposit box at a bank under the officer's fictitious name. The suspect is then taken by the officer to see the money, which has been placed in the safety deposit box. The officer, after the money is shown, then demands to see the narcotics. In summary, the money must be protected at all times.

## THE COVER STORY

The cover story that is used by the undercover investigator should be such that it offers something attractive to the suspect. This might be the purchase of contraband goods, assistance in criminal activities, or even friendship. For example, the undercover officer might tell the suspect that he, the officer, has a load of stolen televisions that he is willing to sell if the price is right. Effective gathering of intelligence on the suspect is important in determining what "activities" are attractive to the suspect. The investigator must do everything he can to make the story believable. He must anticipate questions that may be asked so that he can formulate answers in advance.

The undercover officer must abandon his official identity by removing his badge and all credentials, cards, letters, notebooks and all other items that might cause suspicion or which might conflict with his cover story. Some personal items may actually verify his cover. For example, if the undercover officer uses his real name in an undercover buy, he may want to keep his credit cards or identification bracelet as "verification" of his identity.

The fictitious role that is assumed by the undercover officer should allow compatibility with both the suspect and neighborhood involved. A good background story should include names, addresses, and descriptions of assumed places of employment, associates, and neighborhoods. The fictitious information should be of such a nature that it cannot be easily checked by the suspect. The background city should be one with which the officer is familiar but, if possible, not known to the suspect. Newspaper clippings from that city which the officer "just happens" to be carrying with him can be used to help establish his undercover identity.

In fact, at one time the fact that a "buyer" was carrying a gun was an indication that he was a police officer. Over the last ten years, this has changed. Now, people engaging in illicit trafficking are not suspected of being officers if they carry a gun, since many traffickers carry them. The type of gun that is carried depends on the officer's preference. He may wish to carry a short barrel (snub nosed) .38 revolver or a different caliber revolver, or an automatic pistol. In fact, an automatic pistol may be appropriate as it is flat, more easily concealed and not readily identified with law enforcement. When an officer changes pistols, however, he should do so only with his department's approval. Moreover, it is essential that the officer be trained with any and all weapons that he carries into undercover operations or even off duty. This training may preclude the officer being sued under civil liability for injuring or killing someone with a gun he was not trained and qualified to use. It may also prevent the officer's supervisor, commander, and chief from being sued under the premise of vicarious liability (negligence in the training of the officer).

Personal possessions such as clothes, wallets, rings and watches, and the amount of money carried should be appropriate to the chosen character. Clothes and method of dress should conform to appropriate standards and degree of cleanliness. Laundry marks and clothing labels must either be obliterated or made to agree with the city or locale in the background story. Altered identification cards and letters bearing the assumed name and address will help to establish the legitimacy of the officer's story.

In an operation where time does not allow the careful development of a complete background story, the officer can obtain small cover objects, such as a savings or checking bankbook. Usually, a local bank will aid the officer in building his background story by providing a false bankbook which shows deposits of large amounts of money, although the book usually has a control number which guards against money actually being drawn from the account. The officer can then allow this bankbook to be seen, and thereby give the impression that he is able to make a large purchase or that he is a large dealer himself.

The undercover officer should not select a profession to impersonate unless he is familiar with all operations and terminology involved. If a trade or profession that requires tools is selected as a cover story, any tools or carrying cases should not be new, since this might arouse suspicion. Pretended deformities or infirmities are dangerous as they are difficult to maintain for any length of time and may compromise the investigator's true identity. Employment of female counterparts to create the impression of a couple, in certain situations is an effective method of reinforcing the cover story.

In summary, the undercover officer must build a background story in which he can be comfortable. The officer, in essence, must be able to say to himself, "I am this other person."

PENETRATION TECHNIQUES

After all of the necessary preparations and precautions have been completed and thoroughly understood, the investigator must then concentrate on becoming acquainted with the suspect. This can be accomplished by various means, the most common and easiest being the use of informants to introduce the officer to the suspect. The undercover officer can also make contact by living in a locality or frequenting places where close association can be had with the suspect or his friends, or by discreetly disseminating information or creating a situation which will cause the suspect to become interested in the undercover man as a trafficker in narcotics.

Once contact has been made, it is essential to gain the confidence of the suspect as soon as possible but in a way which will not create suspicion. The undercover officer should always remember to act as natural as possible. Asking questions usually arouses suspicion. By the same token, however, the suspect may also want to ask the officer many questions. The officer, as a "pusher," should act "suspicious" of the dealer and his questions. He may also act angry.

The undercover officer should refrain as much as possible from drinking. The officer can give various excuses for not drinking, or not drinking to excess, such as the fact that he has stomach ulcers or that he is still sick and hung over from the night before. The reasons should be obvious. Testimony in court that an undercover officer had a number of drinks may damage his own testimony on the case. If it is necessary for the investigator to take a drink, he should never leave his drink unguarded since it may be tampered with, either as a practical joke or to test his authenticity.

An undercover officer must, in every respect, live the part which he plays. To do this, the officer must not make too many explanations and should not talk, bluff, or give any more information than is absolutely necessary. Normally, it is unwise to display too much interest in the wives or girl friends of suspects. A simple expression of interest may result in the suspect becoming jealous, thereby jeopardizing the success of the case.

If the suspect appears to be suspicious about the officer's identity and begins asking questions or demanding information, the officer should demonstrate strong anger, contempt, sarcasm, or dismay. The suspect can be placed on the defensive by the officer's insistence that he is not completely satisfied with the suspect's identity and demand more proof. Indifference is another technique. By acting as if he does not care what the suspect thinks and raising the basic question of whether the suspect is going to "do business or not," the officer may induce the suspect to make the sale.

It may be expedient or necessary in some instances for the officer to avoid contact with the suspect for a few days. He may do this by pretending to be going out of town for a given period. If this plan is used, the investigator can reinforce his

cover story by agreeing with the suspect to send a post card or letter from his destination to the suspect to set up the next meeting. The thought that an investigator must keep foremost in his mind is that the dealer is not only suspicious of everyone, but he is probably just as clever as the officer. The biggest factor working against the dealer is greed. Greed makes many dealers sell to agents even though a dealer may suspect that the buyer is an officer. A good undercover officer can work on this greed by "flashing" his money or by threatening to take his business elsewhere.

The officer should bear in mind always that lying, deception, and double-crossing are normal conduct for many of the dealers. Therefore, he should be cautious and try to avoid creating disfavor or being forced into a defensive position. He should be skeptical, never relying on or trusting a suspect, and he should cautiously assess all developments.

Many narcotics units are required to make two or more buys from each suspect. Such a procedure may be explicitly requested by the local prosecutor's office, or it may be implicitly required by the local courts. Whatever the source of the requisite, the premise is that the suspect is thereby shown to have sold on a continuing basis, and he did not merely engage in one rare impulsive act. The consequences of the required second buy policy are numerous. It forces the unit to spend additional funds on initial walk-away buys. First buys may be lost on suspects who leave the local jurisdiction after the first transaction. Suspects may become suspicious between the first buy and the second attempted buy and refuse to sell to the officer. Undercover officers are transferred or their cover "blown" by other large cases made in the jurisdiction. Generally, it is preferable that the unit retain at least the option of making a buy/bust when considered appropriate.

Realistically, narcotics units have to live with the problem of insufficient buy funds. When an undercover officer can afford only a small "walk-away" buy, he can plead a shortage of money if the buy is considered too small. He can give any number of reasons for this shortage. He might say that he was ripped off recently by his regular supplier, and that is the reason why he is buying from the suspect. Conversely, when an officer is trying to negotiate a buy which is too large for someone in the buyer's position to afford, the officer can say that he came into some money and is trying to "score," or buy enough to sell a little himself and make more money.

As unit policy, the investigator must always request a lab test of the quality of the purchased substance. This is because he will want to make a second or third buy off the suspect. If the suspect sells him a diluted bag of narcotics, and there is no outrage expressed by the buyer after the narcotics have been consumed, the dealer will become suspicious. If lab results indicating purity factors are not known before the officer sees the dealer again, he will have to improvise. He might go on the offensive and accuse the suspect of dealing in weak stuff. Even if it was not weak, the suspect may think he sold this individual a "bad" bag or that the "user" has a stronger habit than he supposed. If asked about the quality by the dealer, the undercover officer can say that he mixed the bag with another purchase, or that he himself cut the narcotics another time for resale. The best approach, however, is to avoid situations wherein the officer must make comments about the purchased narcotics until the lab results are known. Then, if the narcotics were weak, the officer should express outrage and demand a better deal next time.

Although an officer will make buys in many different places, a great number of the buys he makes are made inside houses or apartments. Such places give the dealer privacy from the view of others, a place to hide his supply, safety for maintaining weapons he needs to protect himself, and--through the toilets--a disposal system for ridding himself of his drugs if it becomes necessary. The privacy of his home also allows him to make realistic demands, such as having the buyer shoot up or test the drug at the time of purchase. Buys made in a house or apartment are perhaps the most dangerous because the officer's backup team is not able to see what is happening. Also,

if good police intelligence is lacking, the officers may not know how many lookouts the dealer may have, the types of locks on the doors, or the room, apartment or floor where the sale is taking place. In some urban areas, a dealer may change daily the apartment or the floor from which he sells in order to confuse the police.

The value of sound intelligence notwithstanding, quite often the officer and his backup team will have to work in a fluid situation with minimum advance information. In these instances, time limits should be established. If the officer does not emerge or give a pre-arranged signal to indicate that he is all right, the backup squad will quickly enter and locate the undercover officer. Furthermore, there should be guidelines established for those situations where the suspect sets unexpected stipulations. The officer should be briefed regarding what he can and cannot do in changing plans.

When an undercover officer enters a house or apartment, he should quickly survey the physical layout of the room, concentrating on doorways and windows which permit exit of the dwelling or the breaking of a window to indicate to the support team that he needs help. Doors also present a problem, because the officer does not know if there is someone behind them who may be armed. Recognizing that he can do very little in such situations, the undercover officer should position himself in such a way that a possible assailant cannot approach him from behind, and attempt to prevent suspects from coming between him and his access to one of the exits.

A dealer may minimize the time that he handles narcotics by placing the narcotics at various locations and then directing the undercover buyer to the place. The officer's strongest counter-move in these situations is his refusal to "front" or give up his money prior to receiving the goods. Situations where narcotics and money are exchanged simultaneously at different places by the principals and their confederates do not present a problem, since a sale case is still made against the dealer.

## SUPPORT SURVEILLANCE

During the undercover operation, there is a need for the undercover officer to be supported by a backup or cover team of officers whose primary function is to protect him and assist him in making the buy. Although the most hazardous part of the operation is that of the undercover officer, the importance of the support team should not be minimized. The safety of the undercover investigator is in the hands of the support officer during the operation, and in a buy/bust situation, they are responsible for making the necessary arrests. For these reasons, the members of the support team and the undercover officer must have a close working relationship. This relationship must be almost intuitive, that is, they must know each other and have insight into each other's personality sufficiently well to enable them to complement and reinforce each other in what is often a very fluid environment. They must have a plan of action, not only for expected occurrences, but also contingency plans for as many situations as possible.

When the undercover officer enters a building to make a buy, the surveillance officer should maintain a vantage point that will allow him to note the description of each person who enters and leaves the building, as well as descriptions of any vehicles in which they arrive. The guise and conduct of the surveillance officer in conducting an auxiliary surveillance must be typical and natural for the neighborhood. A particular employment or occupation can usually be used as a pretext.

The undercover man must always try to move slowly and cause such delays as may be necessary for the surveillance officers to maintain contact. Change in location should be made only if there is a strong probability that the backup team will be able to follow. Secret signals should be pre-arranged between undercover officers and the surveillance detail. The following, for example, can be used as signals: to indicate movement to the suspect's home, his car, or other known location.

- The method of wearing or carrying a coat or hat
- The method of carrying a newspaper or magazine
- Smoking or not smoking

Before any investigator goes into an extended undercover operation, arrangements for communicating with headquarters and fellow officers should be devised. When calling headquarters by telephone, it is best to use a telephone which is not connected to a local switchboard operator. In some instances there is less risk if official contact is maintained by telephoning a fellow officer at his home. The undercover officer may also call headquarters in the presence of the suspect by pretending to call a girl friend or by using a similar pretext. At no time should the investigator simply duck out to make a call--he should always give a logical reason for departing.

During extended undercover assignments, notes should be made by an investigator, whenever possible, as later he will have to remember and testify as to who said and did things. Moreover, places, times, and dates will have to be recalled. Notes or reports should not be written until the undercover officer is ready to mail them or make a drop to his back-up officers. These notes or written reports may be addressed to a prearranged general delivery address which is under the control of headquarters. To preclude the possibility of the reports or notes falling into improper hands before mailing, they may be written in the post office and mailed there. The importance of sound reports notwithstanding, the undercover investigator should only make those notes which are necessary to provide information for the reports.

A pre-buy meeting permits a last-minute conference to be held between the undercover officer, his backup team, and the informant. The investigator should thoroughly review his own plans, paying particular attention to his relationship with the suspect, negotiated price, method of delivery, and proposed cover story. The informant should be briefed on what he is to do and say during contact with the suspect. Such planning will ensure that no omissions in the operational plans exist and will reduce the anxiety of all the officers regarding the possibility of injury. An out of the way location is both a basic safety precaution and another way of overcoming an informant's fear of disclosure, since it indicates that every effort is being made to conceal his identity.

Throughout the pre-buy briefing, the investigator should not allow the informant to learn more than is absolutely necessary about their plan. Police officers should realize that the more knowledge an informant has on how the unit works its cases and plans and makes buys, the more effectively he can use this information against the unit at a later date. Similarly, other officers who are also used as undercover operators should not be exposed to the informant.

## POST-BUY PROBLEMS

One of the most difficult moments in an undercover operation occurs when an investigator has made a buy and it is stipulated that he use a part or all of a drug before he leaves the apartment, house, or building. In this type of situation, the undercover officer must bluff his way out and still maintain credibility.

In cases where the undercover officer is offered marihuana, he should make every effort to avoid its use. However, if the occasion arises and the officer feels that his cover will be blown if he does not smoke grass, he can simulate its use. Because this simulation process is dangerous, the officer should exercise extreme caution when attempting this procedure. Basically, the technique involves the following:

1) As the officer places the cigarette between his lips, he EXHALES slowly--causing the fire end of the cigarette to burn lightly.

2) As the officer removes the cigarette from his lips, he deeply inhales through his lips, holding the air in his lungs. This gives the impression that the marihuana was inhaled through the mouth. He holds the air deep in his lungs as a grass smoker will.

3) The officer then repeats this process rapidly.

A possible situation that may occur is that, after a sale, a heroin dealer may insist that the officer not leave until he injects himself with the drug. The dealer explains that he is not motivated by any distrust of the buyer, but that it is in the best interests of all concerned that no one leave the premises "dirty." Realizing that he may encounter this difficulty, the officer should avoid making a minimal buy. Instead, he should purchase enough narcotics to satisfy the demands of more than one habit. Thus, he prepares the dealer for his leaving unchallenged with at least some contraband, so he may as well take it all. Another story is that the officer and a friend have pooled their money and the friend is waiting for the officer to return with the narcotics so they can share it. The officer may also pose as a non-using pimp who is buying narcotics to satisfy the needs of his girls. Because it is common street practice for pimps to keep their girls in line by addicting them and becoming their source of supply, this story is sufficiently credible to allow the officer to leave the area. A dealer will also avoid antagonizing someone whom he believes is dangerous, such as someone he thinks is part of a stick-up team. Through his acting ability, the officer may create doubt in the dealer's mind about the wisdom of challenging an officer who is portraying this type of role.

Despite his attempts to avoid the situation, the undercover officer does sometimes make a minimal buy and then finds that he is expected to use the dealer's shooting gallery. In this instance, the officer should decline by stating that he doesn't have his works with him and that he will not use anyone else's implements. He may relate that he has been hospitalized twice because of dirty needles, and that he cannot take another bout with an infected needle. The dealer may ask the officer to show some physical evidence, such as track marks to prove that he is an addict.

Another problem may occur if the informant isn't actually as close to the dealer as he led the undercover officer to believe. As the pressure begins to mount, the informant may become anxious. If he panics, he may attempt to save himself by disclosing the officer's true role or by siding with the dealer and agreeing that the officer should use the narcotics before he leaves the premises. An officer confronted with this situation should stall for as long as possible, recalling that his backup unit will enter the building if he exceeds a predetermined time limit. The principal advantage of this technique over attempting an escape is that the undercover officer may not necessarily have his role uncovered. When the rescuers arrive, they can place everyone under arrest, including their undercover man. They can transport everyone to the police station where it may be conveniently discovered that the undercover man is wanted for a more serious crime in another jurisdiction.

After the buy has been made and the undercover officer leaves the scene, he should meet his surveillance team at a predetermined location where he can mark, count, and seal the evidence, and write down the details of the buy. Unfortunately, it is here that many narcotics officers let down. The investigator must recognize that in many cases the eventual success or failure of the prosecution rests with the degree of thoroughness with which each member of the team applies himself to this post-buy work. In multi-bag buys, each bag must be marked by the undercover officer (see Chapter on evidence handling). It is not unusual for the dealer to try to cheat a transient customer by giving him a short count. When the officers are satisfied each bag has been

properly marked and the count is accurate, the evidence is then placed in a property envelope and sealed according to department policy. The officers should perform this phase of the operation away from the area where the buy occurred. If an informant is being used in the operation, he should not be present while the marking, sealing and transcribing are taking place. The less he knows about the mechanics of this phase of investigations, the better.

ENTRAPMENT*

Entrapment is the procurement of one to commit a crime that he did not contemplate or would not have committed, for the sole purpose of prosecuting him. It is a defense to criminal prosecution in most states. It is not recognized as a defense at common law, and only a few states have codified it. For example, Illinois' code states:

> A person is not guilty of an offense if his conduct is incited or induced by a public officer or employee, or agent of either for the purpose of obtaining evidence for the prosecution of such person. However, this section is inapplicable if a public officer or employee, or agent of either, merely affords to such person the opportunity or facility for committing an offense in furtherance of a criminal purpose which such person has originated.

As indicated, most courts recognize the defense, but some have refused to extend it to certain crimes such as bribery. Others have simply held that the officer was an accomplice, and demand corroborative evidence of the offense before a conviction can be obtained.

Although entrapment is often pleaded in narcotics cases, the plea is not as common as it might be, due to the following reasons:

1) Many sellers have prior records;

2) The sale was immediately consummated;

3) The seller had a large supply of narcotics, inferring a presumption of possession for future sales;

4) First-offenders are often used for controlled purchases from steady suppliers;

5) Many arrests are for possession only, to protect an informant, and the plea has no relevance;

6) Many possession defendants prefer to challenge the affidavit of probable cause supporting the search warrant upon which entry was made.

Regarding specific conduct by law enforcement officers, the following acts have been held lawful:**

1) Giving an informant marked money with which to consummate a purchase;[1]

2) Having an informant introduce a police officer as a relative;[2]

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*Material in this section is based on: International Association of Chiefs of Police, Legal Points No. 38, Entrapment I; and No. 39, Entrapment II, Gaithersburg, Md.

**Noted references will be found on the last page of this chapter.

3) Posing as "being sick" from narcotics withdrawal;[3]

4) Introducing oneself as an international "smuggler" representing others;[4]

5) Informing a physician that a drug prescription is needed for a non-existent friend;[5]

6) Conversing in the "jargon of the trade;"[6]

7) Using decoy letters to consummate the sale;[7]

8) Presenting a valid search warrant, and then asking the defendant to save the officers the trouble of searching for the narcotics, and voluntarily giving them up;[8]

9) Telling minor lies, concealing one's occupation as a policeman, or giving others the false impression of criminal connections;[9]

10) Wearing old clothes, having grease on one's hands and nails, and acting intoxicated;[10]

11) Dressing as a hippie,[11] using an alias, being introduced to the defendant by one of his friends, or misrepresenting the purpose for which the drugs are sought.[12]

On the other hand, the following acts exhibit facts tending to show entrapment:

1) Involving a first-offender in a scheme where the illegal act is only incidental to the plan. Example. The informant, a low character individual, enticed a physician into a scheme to bet on race horses injected with heroin. The physician referred him to the defendant, a first-offender of high reputation. On mentioning the physician's name, the defendant was persuaded to buy the heroin from a dealer--induced by the chances of making large winnings.[13]

2) Playing on the sympathies of a first-offender to alleviate pain or other suffering. Example. An addict placed under arrest and promised release for results, persuaded a first-offender to procure morphine for him--at no personal profit--to enable the addict to keep his job.[14]

3) Giving narcotics to a first-offender, and inducing him into selling it, over his objections. Example. An undercover officer gave 25 marihuana cigarettes to a 17-year-old high school student and told him to sell them. The student tried to return them, but the officer refused. He was subsequently arrested for possession. No prior possession was shown.[15]

4) Using a woman informant of questionable virtue, who suggests sexual favors as added inducement for the sale. Example. The police sent a young girl to see two men to purchase an illegal drug. In addition to the price, she offered her personal virtues. The defendants posed a successful defense, testifying that they were influenced to commit the crime, based on promise of her sexual favors.[16]

5) Selling a suspect drugs through one operative, then buying it through another, to perfect a charge of sale.

When entrapment is pleaded, the court will usually make a determination whether the essence of the plea is legal or factual. If the events indicate entrapment as a matter of law, the court will direct a judgment for the defendant. More often, the facts are in dispute, and must be submitted to the jury for a test of predisposition or credibility. In a few cases, the conduct complained of is so innocuous, that the court can refuse to submit the issue to the jury. Four things will always tend to contravene the plea of entrapment:

1) When the defendant, on his own, fixes the price of the drug sought;[17]

2) When the defendant immediately supplies the drug to the purchaser;[18]

3) When the defendant has a recent record of a conviction for a related offense; and

4) When the agent or informant testifies that the sale charged was the last of many recent sales to him.

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FOOTNOTES

[1]Fiuken v. United States, 265 Fed. 1 (9th Cir., 1920); United States v. Lindenfeld, 142 F.2d 829 (2d Cir., 1944); People v. Jackson, 223 N.E.2d 401 (Ill. App., 1969).

[2]United States v. Brandenburg, 162 F.2d 980 (3rd Cir., 1947)

[3]Price v. United States, 56 F.2d 135 (7th Cir., 1932)

[4]Vaccaro v. Collier, 38 F.2d 862 (D.Md., 1930, Mod. other grounds, 51 F.2d 17 (4th Cir., 1931).

[5]Hyde v. State 174 S.W. 1127 (Tenn., 1914)

[6]People v. Johnson, 222 P.2d 58 (Cal. App., 1950).

[7]Mitchell v. United States, 142 F.2d 953 (10th Cir., 1944).

[8]State v. Colcord, 248 A.2d 80 (N.H., 1968).

[9]State v. Sanchez, 448 P.2d 807 (N.M. App., 1968).

[10]Munroe v. United States, 424 F.2d 243 (10th Cir., 1970).

[11]McVean v. State, 227 So.2d 535 (Fla. App., 1969).

[12]Peters v. State, 450 S.W.2d 276 (Ark., 1970).

[13]Morei v. United States, 127 F.2d 827 (6th Cir., 1942)

[14]Cline v. United States, 20 F.2d 494 (8th Cir., 1927),

[15]Ramirez v. State, 301 S.W.2d 125 (Tex. Crim., 1957).

[16]Liptak v. State, 256 So. 2d 548 (Fla., App., 1972)

[17]Wolford v. United States, 401 F.2d 331 (10th Cir., 1968).

[18]Rocha v. United States, 401 F.2d 529 (5th Cir., 1969).

CHAPTER ELEVEN

# SEARCH OPERATIONS

Part of the duties of a narcotics investigator are those operations in which he will be called upon to conduct a search or to supervise other investigators or patrol officers in a search. The chances for conducting a successful search increase proportionately with the planning, systematic procedures, and thoroughness which go into a search operation, whether it be directed toward persons, dwellings and buildings, vehicles, vessels or some other objective.

## PERSONAL SEARCH*

When conducting searches of persons, there are some recommendations and guidelines that the investigator should constantly bear in mind. The most obvious of these is the need for two officers to be present whenever an individual is to be thoroughly searched. The second officer can physically assist in controlling the suspect if necessary. He can also witness the seizure of evidence or testify against any accusations made by the suspect about the conduct of the searching officer.

There are three types of searches that are commonly made of individuals: the frisk search, the field search, and the strip search.

The frisk is a cursory search also known as the pat-down. It is usually a brief search for weapons and is limited to the general waist area. A frisk may also be conducted on persons not subject to arrest. The U. S. Supreme Court, in Terry v. Ohio (1968) US1, held that a frisk is lawful when the searching officer: (1) has observed suspicious activity on the part of the person being frisked; (2) has reason to believe that the suspect is armed; and (3) the officer limits himself to a search for weapons. In Adams v. Williams (1972), the Supreme Court ruled that personal observation of suspicious activity is not necessary. A suspect may be stopped and frisked when a reliable informant has advised the officer that the suspect is armed. A frisk under either decision is restricted to a quick pat-down or its equivalent, plus an examination of bags or other objects that may contain weapons.

A field search is conducted on the scene of arrest and consists of a preliminary and a secondary search. The preliminary search is very brief, taking only a few seconds, and consists of a search of the chest and waist areas and the underarms. The secondary search is done subsequent to handcuffing. This is a systematic search performed by dividing the body down the middle and searching one-half of the body at a time. This search is conducted for weapons, narcotics and narcotics paraphernalia.

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*Material in this section is based on: Drug Enforcement Administration, Drug Law Enforcement Officer's Manual, DEA, Washington, D.C.; and International Association of Chiefs of Police, Training Keys No. 249, Taking Prisoners Into Custody; No. 250, Searching Prisoners; and No. 251, Searching Prisoners of the Opposite Sex, IACP, Gaithersburg, Md.

The strip search is conducted in a controlled and private environment such as a jail cell or detention area. The suspect is made to undress completely and all clothing is thoroughly searched. While in the wall position, the suspect is given a thorough search which includes body cavities--mouth, ears, nose, and rectum.

The investigator at the scene of an arrest may use any one of four basic search positions, depending on such factors as available space, the potential danger from suspects, the amount of help available to the officer, and the number of suspects to be searched.

In the standing position, the suspect is first commanded to face the agent with his hands over his head in an open position. This ensures there are no weapons or evidence concealed in his hands. The suspect is then ordered to turn around and face away from the officer. The suspect is then told to interlock his fingers on top of his head and spread his feet wide enough to place him in an uncomfortable position. The suspect's toes should be pointing outward to make his position unbalanced. When the officer is satisfied that the suspect is in an unbalanced position, he continues with the preliminary search, the handcuffing of the prisoner, and the secondary search.

The wall search position is perhaps the most commonly used, although a number of agencies are now going to the kneeling search. In the wall search technique the suspect is initially directed to face the agent with his hands over his head in an open position. He is then ordered to the nearest available wall or vehicle. He is made to put his hands on the wall or vehicle and back away until he is unbalanced. The suspect then spreads his feet with his toes pointed outward. His hands and feet are spread apart sufficiently to prevent his making any sudden moves. When the officer is certain the suspect is sufficiently unbalanced, he continues with his preliminary search, the handcuffing of the prisoner, and the secondary search.

The kneeling search is used in open areas where the wall search is impractical and when there is more than one suspect. After determining that the suspect has no weapons in his hands, the suspect is told to face away, get on his knees, cross his legs, and interlock his fingers on top of his head. This places the suspect in a very uncomfortable position. During the preliminary search, the officer will have to squat, keeping his eyes on the back of the suspect's neck at all times. The advantage of the kneeling search is that it affords more safety to the officer by immobilizing the suspect and yet it is more practical than the prone search.

In the prone search, which is perhaps the safest position from the officer's perspective, the suspect is ordered to lie face down on the ground, feet spread apart, and arms straight out to the sides with the palms facing up. This makes it very difficult for the suspect to get up or throw dirt or debris at the officer. The suspect is approached from the side opposite the direction in which his face is turned. The officer should then place his foot on the suspect's elbow to restrict his movements. As the officer squats, he places his knee on the suspect's buttocks for more balance. After the suspect is handcuffed, the officer can step over the suspect's body. Prior to handcuffing, however, he should not step between the suspect's legs as he may be tripped. It is safer to walk around the suspect's body to conduct the second half of the search. The secondary search cannot be completed in the prone position; it should be completed when the suspect is being helped up. In assisting the suspect to stand up, the officer should grasp the handcuff shank and the suspect's arm. The suspect should then be made to roll in the officer's direction and sit up. At this point, with the officer in the squat position, the secondary search should be completed. The officer then assists him to stand up by maintaining his grasp on the cuff shank. If the officer is not ready to transport the suspect, he should keep him in an off-balance search position.

Verbal instructions given to the suspect should be given in authoritative commands. This lets the suspect know that the investigator is in charge of the situation. The officer should avoid unnecessary physical contact when the suspect is in the search position. The investigator should not attempt to search with his hands and not his eyes. He must maintain a watchful eye on the suspect's shoulder area as the shoulder will move first if the suspect reacts suddenly. The clothing should be crushed and not just patted.

The officer should not bend over to search. He should squat. In this position, the upper body of the suspect and the immediate surroundings are more visible, and the officer is in a more balanced position. The officer should never turn his back on the suspect. The officer should maintain self-discipline and not allow himself to become angry or abusive to the defendant.

Female suspects must also be searched. The policy of most departments limits the initial search of a female by a male officer to her handbag, packages, and outer coat. A more thorough search of a female may only be conducted by another female, who may be either a police officer or someone acting under the direction of a police officer. These rules are enforced to protect the rights and privacy of the female suspect and also to protect the reputation of the police officer and his department. For this reason, whenever a female is arrested, transported or interviewed, there should always be two officers present, so that one can testify to the proper conduct of the other.

The initial search of a female should be conducted after she has been advised that she is under arrest. At that point, the officers can take from her any items that she may be carrying, such as handbag, packages, umbrella, coat, or hat. If the officer has reason to believe, based upon personal observation or information from a reliable informant, that the female suspect is concealing a weapon, the officer may obtain the weapon. If a weapon or contraband is suspected, the female should be asked to assume an appropriate search position. The officer can then pat her with the back or edge of the hand. He may also draw her slacks or skirt tightly against her legs to outline any bulges which might indicate hidden weapons or contraband. If a bulge is detected, the suspect should be told to remove it slowly with her fingertips. The officer can also ask the female to unhook her bra and then lean forward. He can grab her blouse from the back and twist it to detect any bulges, or he can have her unbuckle her belt so that any concealed weapon will fall out. A police officer should not only be concerned with weapons, but also with those items which can be used as weapons. These include handbag, platform or high-heeled shoes, rat-tailed combs, and fingernail files. See Figure 1 for a list of hiding places on the person.

## SEARCH OF DWELLING OR BUILDING

In searching a dwelling, the members of the detail should be well trained and equipped to perform their duties. The search itself must be systematic, thorough and swift, with the intent of getting out of the target location as soon as possible and with a minimum of damage to the property. As part of the search operation of a dwelling, officers should be alert for any intelligence they can gather, such as telephone and address books if they can be seized as evidence, or telephone numbers and names that may be written on walls near a phone. This information should be jotted down in a manner that will not be noticed by suspects. Otherwise, the value of this intelligence might be compromised later.

All valuables found at the target location should be safeguarded if necessary and a receipt given for all items removed from the location. Generally, a list of the items taken is written on the suspect's copy of the search warrant and serves as his or her receipt. Similarly, all damage done to personal property or the premises should be inventoried, and if possible, such damage should be photographed. Notification is made to the owner of the premises. If large sums of money are found at the target location,

Figure 1: PERSON LIST OF HIDING PLACES

Artificial limbs

Baby diapers
Bandages
Battery box of hearing aid
Belts--slit, zipper or buckles
Buttocks

Canteens
Casts
Cigar holder
Cigarette lighter, filters, and packs
Collar stays
Compact
Contact lens cases
Corsets
Cuffs and wristbands

Earrings
Ears--inside and behind
Eyeglass case

False linings and bottoms
Film cans
Foreskin of penis

Hair--processed, buns and wigs
Handkerchiefs
Hatbands
Hollow end of cane

Inhalers
Inside fly flap of trousers

Jewelry
Jock straps

Lapels
Lining of clothing and change purse
Lipstick tube
Locket
Luggage

Match box and books
Money belts
Mouth

Nose

Pens
Personal bags
Pill vials
Pipe stems
Pockets

Rectum
Rings

Sanitary napkins or tampons
Self addressed envelopes
Shoes
Socks
Sticks of gum
Swallowed, with string to teeth

Taped under breast and brassiere, between toes and to feet
Thermos jugs
Tie
Tobacco tin and pouches

Umbrella handle
Under false teeth
Uniform shoulder patches and badges

Wallet
Wrist watch--inside and back

this fact should be reported to the Internal Revenue Service so they can conduct an investigation as to its source.

A recording secretary should be selected on the basis of his ability to testify effectively, since he will testify extensively during the trial. His main job is to record where and by whom each piece of evidence was found. Consequently, when he first enters the area to be searched, he should draw a crude, but detailed diagram of the premises. On it he should note where every piece of evidence is found and who found it. He should also ensure that whenever a piece of contraband is found it is initialed as evidence. The evidence seized should be kept by the recorder and preserved according to department regulations and procedures until it is turned over to the laboratory for analysis or introduced as evidence in court.

Prior to the dwelling search, some officers should be assigned to the exterior of the premises. The officers assigned to the exterior should observe anyone trying to escape or throw evidence from the premises. If someone does throw evidence out of a window, the officer must get a good look at the individual or his clothing in order to identify that individual later. The officer must also observe where the evidence lands and then secure it. Later, he will have to show the official recorder where the evidence landed and the window or door from which it was thrown.

Once inside the area to be searched, everyone found on the premises should be brought into one room so that the recorder can take down information from each person. A list should be made of each individual according to the room in which he was found, since evidence may later be found in those rooms and the various individuals can then be charged with possession. Officers should observe individuals for symptoms of drug abuse. Internal possession of narcotics or dangerous drugs (that is, the presence of a drug within the body) might provide probable cause for a personal search.

If suspects have automobiles in the vicinity of the search scene, probable cause developed from questioning may be sufficient to obtain a search warrant for these vehicles. An officer can stay with the suspect's vehicle in order to prevent its removal while a search warrant is obtained. In the event that the recording secretary becomes too involved in recording discovered evidence, an additional officer should be assigned the task of obtaining information from individuals present at the scene. Regardless of quantity or variety, however, the actual custody of all evidence remains the responsibility of the recording secretary.

The search of a dwelling should begin by assigning teams of two officers, if possible, to a room. The searchers should begin at one wall and search everything that rests against or is hung on that wall and then proceed around the room. Lights and outlet switches should be examined carefully. If paint on the screws or around the plate is broken, the plates should be removed and the inside area searched. The border around the door should be studied for signs of stress since it may be shielding a hollow portion behind. The top of the door and door frame should be checked for indentations. A plug in the top of the door may hide a trap. So may door hinges. Plaster walls should be felt for ridges indicating that they have been plastered over numerous times.

Any informants in the operation should be asked if the suspect is known for hiding things under floor boards or within the walls. This is necessary for establishing probable cause, since the officer must have good reason before he breaks into an individual's wall.

Wall pictures should be taken down and searched thoroughly since contraband can be hidden between the layers of glass, in the picture itself, or in the paper backing. Similarly, the backs of television sets and other electronic equipment should be removed and the interior examined. The top and bottom of venetian blinds should be checked. Caps on both ends should be taken off so that the officer can see or push a

rod all the way through. Curtains should be felt from top to bottom, including seams, hems and lining.

After the officer has searched the walls, he should move to the center of the room and begin with the furniture. Upholstered couches or chairs should be turned upside down and the bottom examined to ensure that all the staples are intact and the material protecting the bottom of the couch is the same throughout. A flashlight held close to the material will allow the officer to see if anything is taped to the springs. Zippered cusions should be taken apart, and others gone over with the officer's hands. Telephones should be examined thoroughly, both inside and out. Light bulbs should be removed from their sockets, and the rugs should be carefully rolled up and then relaid.

Since bathrooms seem to be a popular area to hide contraband, the search team should be especially thorough in searching that area. In searching a bathroom, the officer should look for traps in laundry baskets and under sinks, and for watertight containers inside flush tanks.

Prescription medicine bottles should be carefully examined, never taking for granted that they contain only the prescription attached to the container. If the investigator believes that there is something amiss with the prescription bottles, such as a great number of bottles or labels made out to people not living in the premises, he should seize all prescription bottles and mark them as evidence. However, he should ask the suspect what prescription medicines he needs and at what time he will need the next dose. The officer should contact the doctor or pharmacist whose name appears on the label to verify the prescription. Moreover, all pills and tablets should be compared with a Physician's Desk Reference or similar source to ensure that the found drugs correspond to the prescriptions.

When an officer finds evidence, he should temporarily halt his search, call the recording secretary, initial the evidence, turn it over to the recording secretary, and then continue the search. It is unfortunate that many officers stop searching as soon as they find any contraband, and thus miss finding additional contraband within the scope of the warrant.

If an officer is searching a room alone, after searching the room, he should change rooms with another officer who has completed the search of his assigned room, so that each area is searched twice. Even though all officers are taught the same pattern of search, the second search often reveals something previously overlooked. See Figure 2 for a list of search areas within a dwelling.

## AUTOMOBILE SEARCH

The search of an automobile must be conducted methodically and thoroughly. The officer must have some definite notions as to where to look, and nothing must be dismissed as an impossibility. The officer must continue the search for evidence until the entire vehicle has been covered, even if he uncovers some narcotics during an early part of the search.

In a one-man search, the usual plan of attack is to begin the examination on one side of the automobile. It is searched from the front to the rear and back again to the front. This same procedure is then repeated on the opposite side of the automobile.

In a two-man search, each officer positions himself on a side of the automobile. The search is then started from the front of the automobile and proceeds towards the back. The officers exchange positions and the search then proceeds from the rear to the front of the automobile. This variation in search pattern serves as a check upon the first examination. Sound searching techniques recognize the advisability of having

Figure 2: SEARCH AREAS FOR DWELLINGS

HOME

Aerosol cans
Agitator of washer
Air conditioning register
Antenna and base of television
Art kits
Attic insulation

Bandages and boxes
Banks
Base of lamp
Bathtub legs and lips
Batteries
Behind
  Baseboards
  Medicine box
  Mirrors
  Picture frames
  Posters
  Wall phones
  Walls
Bed posts
Books

Cameras
Ceiling tile
Cellar beams
Chandelier
Chessmen
Closet
Clothesline pole
Clothing
  Gloves
  Hatbands
  Shoes
  Sleeves
  Waistbands
Cookies and candy bars

Dog collars and dog house
Dolls
Door knobs
Douche bags

Electrical sockets

False bottoms
  Fish tanks
  Radiator covers
False ceilings and chimneys
Film cans
Fire alarm bell
Fire hose

Flashlights
Flower pots
Fluorescent light tube
Footlocker
Furnace
Furniture upholstery
Fuse box

Garbage bags

Hollow
  Closet rods
  Curtain rods
  Doors (removable top)
  Eggs
  Fruit and vegetables
  Furniture
  Holy Bible
  Soap
Hung behind curtains

Inside
  Ironing board legs
  Newspaper
  Radio
  Television
  Wigs

Kitchen Containers

Light switches
Loaves of bread

Magazines
Magnet boxes
Mail boxes
Mattresses
Musical instruments and cases

Pens
Pet box
Pillow cases
Prescription bottles

Razor blade dispensers and slots
Record albums
Refrigerator
  Butter and meat trays
  Fruit
  Ice cubes
  Vegetables

Figure 2 (cont'd.)

Salt and pepper shakers
Shaving brush handle
Shoe polish containers
Sink traps
Stick deodorant containers

Talcum containers
Taped in dresser and behind drawers
Tea bags
Telephone base and coin slots
Toaster trays
Toilet
- Bowl
- Float
- Paper
- Tanks

Top of window, door sills, and molding
Toys and games
Trophies

Under
- Carpets
- Panel or parquet floor
- Washbowl, sink or tub

Vaseline jars
Venetian blinds

Wall and ceiling fixtures
Waxpaper dispensers
Window ledge next door
Window shade
Window sills, exterior

Zippered cushions

more than one officer search an automobile. This practice decreases the possibility of overlooking contraband.

Experienced officers have learned that contraband is most frequently hidden in relatively few locations on the vehicle. The motor and dashboard recesses, the seats, and the trunk compartment are the most widely used of these areas. However, the frequency of past usage of these hiding places must not lead the searching officer to overlook other places of concealment. The vehicle is divided into three search areas: the front end, the interior, and the rear. Each section must be closely examined before the search is carried to the next area.

1) The front end. The grill, the bumper and the fender areas provide excellent hiding places. Narcotics may be placed in a container between the grill and radiator, or secured to the grill. Contraband has been discovered attached to the inner surface of the fender by means of a magnet, a magnetized container or tape. The back of the license plate, the bumper and the underside of the gravel pan should also be examined. The numerous recesses of the motor and the adjacent area are frequently used to hide narcotics. A small packet of narcotics may be placed in a watertight container and suspended inside the radiator. The battery, the battery case, the engine block, the clutch and starter housings have all been used in the past. Close attention must be paid to the ventilating ducts or any container found attached to the sides of the motor well. The air filter of the carburetor should be examined. The body frames and supports also provide places of concealment that should be checked.

2) The interior. The back of the dashboard is undoubtedly the most extensively used place of concealment for narcotics packages. The profusion of electric wires, the almost inaccessible recesses and availability to the occupants all contribute to the popularity of this location. It is not uncommon to find within this area items attached by tape or pinned to the wiring. Fresh air ventilating outlets are also frequently used to hide contraband.

The ability to locate evidence in this area will necessarily depend on the search tactics. The rear portion of the dashboard can be thoroughly scrutinized with a mirror held in one hand and the flashlight pointing up under the dash. Merely glancing in the general direction of this area and groping blindly into the dark is inadequate. The mirror also may be used under fenders and in other areas where visibility is difficult.

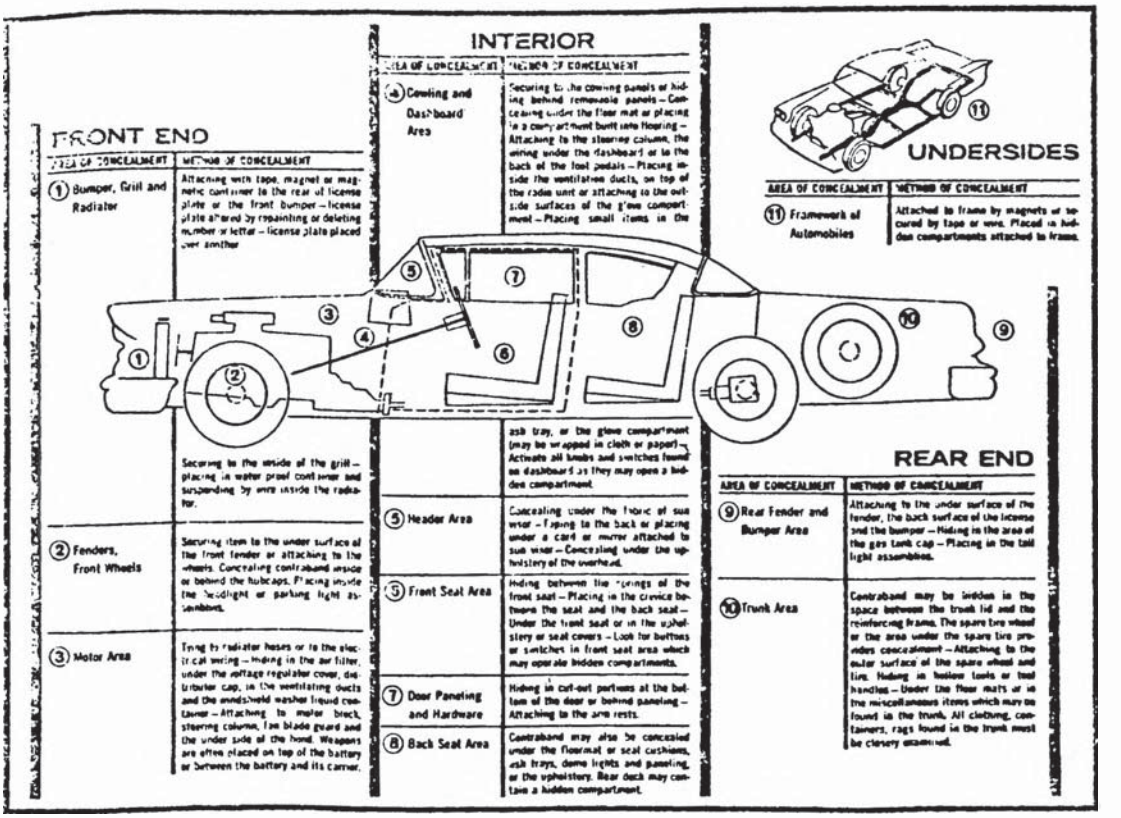
The area beside and under the seats is used frequently to hide narcotics. Remove the seats whenever possible, rather than merely looking or feeling under and between seat cushions. The front and rear floormats are also removed whenever possible since narcotics are often hidden under this floor covering. Each object found in a vehicle must be inspected. Any flashlight, book, magazine or container found in the automobile must be closely scrutinized.

3) The rear. The trunk must be given a complete examination and any item found in this compartment must be inspected, including clothing, rags, containers, and tools. The spare tire well must be checked. The interior of the trunk lid must also be examined for possible contraband. The underside of rear fenders, the bumper and the gravel pan must all be carefully searched. See Figure 3 for automobile search areas and methods of concealment.

## SEARCH OF SMALL CRAFT

The narcotics investigator must be prepared to occasionally conduct a search of small boats to locate contraband. The best tools available are imagination and common sense. Contraband can be expected to be found in any conceivable space from the top of the mast to the bottom of the keel.

Figure 3: AUTOMOBILE SEARCH AREAS AND METHOD OF CONCEALMENT*


FRONT END
AREA OF CONCEALMENT
METHOD OF CONCEALMENT
(1) Bumper, Grill and Radiator
Attaching with tape, magnet or magnetic container to the rear of license plate or the front bumper – license plate altered by repainting or deleting number or letter – license plate placed over another
Securing to the inside of the grill – placing in water proof container and suspending by wire inside the radiator.
(2) Fenders, Front Wheels
Securing item to the under surface of the front fender or attaching to the wheels. Concealing contraband inside or behind the hubcaps. Placing inside the headlight or parking light assemblies.
(3) Motor Area
Tying to radiator hoses or to the electrical wiring – hiding in the air filter, under the voltage regulator cover, distributor cap, in the ventilating ducts and the windshield washer liquid container – Attaching to motor block, steering column, fan blade guard and the under side of the hood. Weapons are often placed on top of the battery or between the battery and its carrier.
INTERIOR
AREA OF CONCEALMENT
METHOD OF CONCEALMENT
(4) Cowling and Dashboard Area
Securing to the cowling panels or hiding behind removable panels – Concealing under the floor mat or placing in a compartment built into flooring – Attaching to the steering column, the wiring under the dashboard or to the back of the foot pedals – Placing inside the ventilation ducts, on top of the radio unit or attaching to the outside surfaces of the glove compartment – Placing small items in the ash tray, or the glove compartment (may be wrapped in cloth or paper) – Activate all knobs and switches found on dashboard as they may open a hidden compartment.
(5) Header Area
Concealing under the fabric of sun visor – Taping to the back or placing under a card or mirror attached to sun visor – Concealing under the upholstery of the overhead.
(6) Front Seat Area
Hiding between the springs of the front seat – Placing in the crevice between the seat and the back seat – Under the front seat or in the upholstery or seat covers – Look for buttons or switches in front seat area which may operate hidden compartments.
(7) Door Paneling and Hardware
Hiding in cut-out portions of the bottom of the door or behind paneling – Attaching to the arm rests.
(8) Back Seat Area
Contraband may also be concealed under the floormat or seat cushions, ash trays, dome lights and paneling, or the upholstery. Rear deck may contain a hidden compartment.
UNDERSIDES
AREA OF CONCEALMENT
METHOD OF CONCEALMENT
(11) Framework of Automobiles
Attached to frame by magnets or secured by tape or wire. Placed in hidden compartments attached to frame.
REAR END
AREA OF CONCEALMENT
METHOD OF CONCEALMENT
(9) Rear Fender and Bumper Area
Attaching to the under surface of the fender, the back surface of the license and the bumper – Hiding in the area of the gas tank cap – Placing in the tail light assemblies.
(10) Trunk Area
Contraband may be hidden in the space between the trunk lid and the reinforcing frame. The spare tire wheel or the area under the spare tire provides concealment – Attaching to the outer surface of the spare wheel and tire. Hiding in hollow tools or tool handles – Under the floor mats or in the miscellaneous items which may be found in the trunk. All clothing, containers, rags found in the trunk must be closely examined.

*From Training Key #39. International Association of Chiefs of Police, Gaithersburg, Md.

Some of the places to check on the vessel include hollow masts and guard rails. A search should be made between the deck and the hull of fiberglass sailboats. Spaces between ribs or floor joints, and under, behind or over fuel and water tanks and other containers should be checked. Paint cans, open containers in the galley, and other such reclosable containers must be examined. Check for floating articles inside tanks and inner compartments, and for weighted objects at bottoms of tanks. Strings or wires going into containers may provide a lead.

Full fuel tanks may be suspicious when the crew claims to have been at sea for a long period of time. Excessive capacity for fuel or water should also be questioned. Check small spaces forward of some sampson posts, between post and stem, or beside post. Follow the post from the deck to the keel, layer by layer if applicable, checking for continuity, guarding against false decks or blanked off spaces in the bow. See if paneling is removable, or if the dead space behind it is accessible for hiding things.

The search party should get below as soon as possible to check wash basins, galley sinks, and heads for residue of flushed-out contraband. The water surrounding the boat should be thoroughly checked for residue of flushed contraband.

Contraband may also be found in fishing rods and reels or in scuba tanks bolted to the hull below the water line. It may be towed in drums pulled by the small craft, or it may be embedded in the concrete ballast of the keel. Space is chipped out, narcotics placed inside, then fresh concrete is placed over the opening. Narcotics may also be concealed inside of fish.

## 'RCRAFT SEARCHES

The two types of aircraft which narcotics investigators would ostensibly search are commercial and private aircraft. Commercial aircraft have long been vehicles used in smuggling ventures. Lately, however, private aircraft have been an increasing problem and one that will be increasingly encountered by agents. Realistically, local and state narcotics officers will most likely find themselves searching private aircraft instead of commercial planes. Moreover, when local officers find themselves in a situation where they must search a commercial aircraft, they will usually have plane and ground crews to assist them. Figure 4 contains some of the areas in both types of craft which can be used for concealment purposes.

Figure 4: SEARCH OF AIRCRAFT

Places of Concealment in Private Aircraft

Baggage compartments
Bulkhead behind rear seat
Passenger compartment
Wing structure area
Engine area
Landing gear assembly
Tail section
Auxiliary gas tanks
Inspection plates (remove and search space with flashlight)

Places of Concealment in Commercial Aircraft

Baggage compartments
Storage compartments
Life raft compartments
Bulkheads
Lavatories
Galleys
Liquor locker
Life jacket compartments under seats
Trash containers
Oxygen tanks
Wheel wells
Radar compartment
Under floor of cockpit (shaft for controls)

# CHAPTER TWELVE

# RAIDS

Conducting a raid is one of the more dangerous aspects of law enforcement work. Because raids are used frequently in narcotics enforcement work, great emphasis should be placed in developing raid skills by a narcotics unit. In the conduct of a raid, an officer faces a unique situation where he knowingly enters into a situation which may result in casualties. Improper planning or failure to recognize and appreciate the many factors involved in raid planning have caused embarrassment and ridicule to police agencies, and have resulted in the injury and deaths of police officers.

## RAID PURPOSE

The word "raid" conjures up many different mental images based on personal background and experience in enforcement work. Within the context of narcotics enforcement, a raid can be defined as "the invasion of a building or locality for lawful purposes." These purposes, or objectives, are usually the apprehension of a suspect, the seizure of narcotics evidence, or the recovery of stolen property.

When the purpose of a raid is to apprehend a suspect, an estimation of the amount of resistance likely to be encountered is important. Fortunately, in narcotics work apprehension is often directed toward a known suspect, thus enabling police officers to make some judgments as to potential resistance.

The second objective of a raid is the seizure of evidence related to illegal narcotics activity. Since narcotics evidence can be easily destroyed or altered, it is often necessary to surprise the offender before he can dispose of illegal narcotics. It is important for officers in a raid to know the type and amount of narcotics/drugs they are seeking and, if possible, the location within the building where the narcotics are kept. This information is needed in order to secure a search warrant and to effect a speedy seizure. Additionally, knowledge of the type of drug being sought is also for the protection of the officers where contact with a drug may present a safety problem. Money may also be one of the objects of a raid if the officers are trying to recover confidential funds, or where the suspect is in possession of great amounts of money that the officer can prove came from illicit narcotics activity.

Narcotics units which work closely with other patrol and investigative units may also conduct raids to recover stolen property. Narcotics traffickers, by the nature of their illicit profession, often deal in stolen goods. While working with informants, a narcotics unit often receives information about stolen goods in the possession of a targeted suspect. Consequently, a raid may be conducted for the primary purpose of recovering these items.

TEAM PERSONNEL

On many occasions, raid teams are made up of representatives of different law enforcement agencies. This is even more common in narcotics enforcement, because of overlapping jurisdictions and the need for additional manpower or experienced personnel. This multi-agency composition of a raid team presents special problems in the planning and execution of a raid.

Initially, it must be determined which agency will have the primary responsibility for the raid operation. Once this agency is selected, it should be fully supported by the other participating agencies. The responsibility for the raid should rest with the agency which determines that the raid is actually required. This responsibility includes raid planning, execution, securing the target location after the completion of the raid, and maintaining the chain of evidence for materials seized. The agency with primary responsibility should also establish specific duties for the other agencies involved, lines of authority, and lines of communication.

The raid should be under the authority of one officer known as the raid commander. He is responsible for the supervision of the entire operation from planning to execution. Apart from the considerations which must be given to the various agencies involved, the selection of the raid team leader should not be based on rank and seniority alone. Emphasis should be placed on those officers with prior experience and ability in conducting raid operations and who possess knowledge of the target location, and the suspects to be apprehended and their abilities. The raid commander must have the confidence of team members, and he must have confidence in, and knowledge of, the capabilities of raid team members.

When the raid is a large operation which involves many police officers assigned to a number of units, the raid commander must designate unit leaders. If these units are further divided into sub-units, or teams, then each sub-unit will have a supervisor. This organizational structure will allow all operational personnel to know precisely whose instructions are to be followed. Additionally, this structure will give the commander a span of control which will allow him to more easily direct the actions of every man assigned to the raid. Even when the raid is a minor operation involving only three or four officers, one officer must still be in charge of the entire operation.

Although it may not always be possible to have a superiority of manpower, the raid commander should strive to outnumber the opposition. A suspect who sees that he is outnumbered may be discouraged from offering any resistance. The location of the suspect is important in determining the number of men needed to control the situation. There should be sufficient personnel to control the entire area of the raid, to cut off avenues of escape, and to control any situation that might arise during the raid. The reputation of each person expected to be apprehended should be considered. Caution must be used in any arrest or raid situation, but more manpower should be assigned in a raid involving the apprehension of a suspect with a hostile reputation.

The need for superiority of manpower notwithstanding, the presence of too many men on the scene can be unwise. If the raid site is appropriate, a reserve of manpower should be kept available near to the scene, but without active participation in the raid.

In the selection of team members, rank and seniority should not be primary considerations. As in the raid commander selection, experience and ability should be the guide, with the team leader having the final word as to the selection of his team members. These team members should be experienced officers who are known to have good judgment and mental stability, officers who are not easily excitable, and who will obey orders. Within this framework, the men should be selected for their capabilities and special skills. Following are some of the areas that should be considered:

- Large men for heavier tasks (breaking down door, etc.)
- Men who excel in the use of firearms
- Officers directly involved in the case
- Necessary technicians (evidence, photo, fingerprints)
- Officer to record all details of the raid for court presentation
- Officers who have unusual skills, such as:
  a. Dog handlers
  b. Language capabilities
  c. Scuba diving
  d. Appearance (subterfuge)
  e. Technical equipment operators (e.g., video-tape technicians)

It is imperative to keep the number of team members down to a manageable level consistent with the mission at hand. When the situation dictates, jobs can be combined. It is desirable to select men who are known to one another. If this is not possible, the raid leader should make sure that all of the men become acquainted before the raid.

Outside support personnel may also be required, although they are not considered to be members of the actual raid team. Examples of the type of outside support that may be considered are: medical personnel/ambulances; fire department personnel/equipment; motor vehicle operators/paddy wagons; and uniformed police for use in backup. Uniformed officers are especially important when the agencies conducting the operation are not in uniform. The uniformed backup will provide perimeter and road-block functions; identify the operation to the public, and perhaps be used as part of a subterfuge to effect entry to the target location.

Personnel should be deployed so as to perform four unit functions: perimeter, cover, apprehending and support. The size of these units will vary according to the size of the operation. However, regardless of size, all four functions must be performed in a raid.

The perimeter unit often utilizes the greatest number of officers. This is particularly true in heavily populated areas when the raid takes place at a time crowds are likely to gather. The perimeter unit's purpose is to seal the outer boundary of the operation's area. With the outer boundary sealed off, the possibility that officers participating in the raid will be hindered by the curious public is reduced. Onlookers who could seriously interfere with the police operation and bystanders who might place themselves in danger should be controlled by members of the perimeter unit. Uniformed officers should be used in the perimeter unit. The least experienced officers, with reference to raid operations, should also be utilized on this detail. Moreover, this unit should be ready to evacuate persons from the area and to set up additional crowd control measures, if necessary.

The cover unit has the task of sealing the criminal within a specified area or capturing him if he breaks away from the apprehending unit. Personnel in this unit should position themselves so they are not easily seen and in a manner that secures all possible exits. They should not enter or actively search the building. Members of the cover unit must exercise great restraint, since they could mistakenly fire upon other

police officers. To avoid such an error, members of this unit should know clearly their line of fire. Only under extraordinary circumstances would they fire into the building.

The apprehending unit (or entry unit) effects the entry into the building and the apprehension of the fugitive. Since the personnel in this unit will come in contact with the criminal, they will be exposed to the greatest danger. The officers in the apprehending unit must be accustomed to each other, trained in apprehension techniques, and specially equipped. Members of this detail should have the appearance of police officers; no long hair, beards, or cast-off army clothing. In addition, it must be remembered that the fewer members of this detail, the better, in line with the nature of the mission.

The support unit reinforces the apprehending unit. Support unit personnel should follow the apprehending unit into the building after the location has been secured. This team is responsible for taking custody of prisoners and conducting a thorough, systematic search of the target location. The team should include the agent holding the warrant, if he was not a member of the entry team. Composition of the support team should also provide for the following:

- A recorder to maintain an accurate log of all events in the raid. Often the excitement and the rapidity of events may not allow operational personnel to properly note the circumstances related to arrests and the seizure of evidence. The recorder fills this gap by describing in detail what occurred. He supplements his notes with photographs of raid conditions, the location of found evidence, and persons arrested.

- A photographer to assist the recorder photographing appropriate items or events

- An evidence collector or property custodian to receive, assemble, and tag all goods or properties seized and persons taken into custody

A portion of either the perimeter or cover unit should be mobile for use as a pursuit unit if necessary. When it is apparent that they are not needed for their assigned purpose or for pursuit, these units can be used to augment the clean-up and evacuation process or to assist any injured persons.

## GATHERING INFORMATION

The successful execution of a raid is a direct consequence of the attention given to its preparation. The amount of time available will determine the depth to which intelligence on the target can be gathered. In some instances, several hours may be all that is available, while in other cases the unit may have several months for its preparation.

To obtain planning data, three activities need to be performed: a reconnaissance of the area is conducted; background information of persons involved is gathered; a surveillance is made to learn the behavior patterns and the identity of persons frequenting the area or building.

A reconnaissance of the raid area should include the structure to be entered and the surrounding neighborhood. The building should be studied to determine its construction and layout. The locations of doors, windows, common exits, fire escapes, and communications facilities should be observed. Information about the placement of lights and switches should be obtained. If the building is an apartment, hotel or motel, the layout of an individual room can often be determined by studying a similar

room. This technique also is applicable to houses in subdivisions. Otherwise, information about the layout of a house can be obtained by questioning neighbors or someone familiar with the property. When the raid site is a business office, information about the layout of the building can be gained from a study of a blueprint or floor plan. These can be obtained from the building manager or owner.

Adjoining buildings should be surveyed to determine their accessibility from the raid site. The criminal might use adjoining buildings as an escape route, or the raid unit could use them as an avenue of approach. The neighborhood's physical terrain should be studied to determine various paths of approach and escape. Obstructions, vantage points for viewing, and pedestrian and traffic patterns should be noted. Although used infrequently, a video tape of the neighborhood may be a realistic method for describing the target area to members of the raiding party. Also, diagrams depicting essential information should be issued to operational officers.

People in the neighborhood should be observed in order to anticipate any warning they might give that a raid is imminent. The danger of attack from sympathetic neighbors should also be considered. If there is the possibility of an uncooperative or violent reaction from neighbors, then the timing of the raid and crowd control measures should be given thorough consideration. The raid should be conducted at a time when there is the least likelihood of a crowd gathering or interfering in the police action.

The number of criminals sought and associates known to be in the building is vital information for planning the raid. Each individual's behavioral characteristics should be ascertained, if possible. When anticipating how a suspect may react, consider the legal penalty for the offense. Information on the criminal should include his physical condition, his state of mind, the possibility of his surrender, and any previous experience he may have had in resisting arrest. The armament available to him and skills with weapons should be known. Additionally, his precise location within the building should be determined. Whether he is likely to be awake or asleep should also be decided. It should be determined if others in the building are likely to support the criminal. Raid plans should assure that bystanders cannot be used by the criminal as hostages or otherwise endangered. See Figures 1 and 2 for those areas about which information must be gathered by the unit.

A fixed surveillance may be necessary to study the habits and learn the identity of persons frequenting the building or the surrounding area. A continuous surveillance should be maintained during the period immediately before the raid to provide unit personnel with last-minute information on the situation. Specifically, this surveillance should determine if the persons or activities sought are present and whether any unusual circumstances might be encountered. Moreover, it is very important that surveillance officers be attentive to indications that a raid may not be necessary, that the suspects can be arrested as they leave the building or as they get in their cars.

In addition to target location surveillance, the following sources of information should be used to gather information preliminary to conducting a raid:

1) The case file on an ongoing investigation can be very helpful in providing information and intelligence on suspects and their habits, accomplices and contacts. The case file may also contain information on vehicles or residence of the suspect.

2) An undercover officer is usually in a position to answer or get answers to many of the questions that will have to be answered prior to the execution of the raid. At times, he may be the only person available to the team members who can furnish information on the internal layout of the target location.

Figure 1: AREAS FOR INFORMATION CATHERING

The following is a checklist of those areas which should be the focal point of intelligence gathering previous to, and during, the planning process:

1) Geographical locations

2) Interior layouts of the target

3) Maps, photos, sketches of the target location (including commercial maps and aerial photographs, if warranted)

4) Approach and escape routes, to and from, the target location

- Fire escapes or stairs
- Dumbwaiters, elevators, laundry chutes
- Void air shafts
- Location of all doors, windows, skylights
- Access to and from adjoining building through roofs, basement, holes in wall, etc.

5) Construction and peculiarities of the target location

- Can it be penetrated by gunfire?
- Does the target site pose a fire hazard?
- Are there underground parking facilities? An attached garage? Is the garage used?
- Is there a doorman, porters, and/or superintendent?
- Are the windows barred? Is the door reinforced or does it contain a complicated lock system?
- Which way do the windows and doors open?
- Does the targeted site have an alarm system?
- Are there guard dogs or other animals present?

6) The location of all utility shutoff points (internal/external)

- Water
- Telephone lines
- Electricity

7) Location of internal utilities: sinks, toilet bowls and drains

8) The mood of the people in the immediate area and their possible reactions to a police operation in their neighborhood

9) Dangers to innocent people residing in the target building and nearby buildings

Figure 2: ASSESSMENT OF RAID TARGETS

The following factors about a targeted suspect or suspects should be assessed when planning a raid:

1) The number of suspects and persons involved

2) The makeup of persons involved. Are they male or female? Are there children in the targeted site? What are the ages of the occupants?

3) Number of suspects at the targeted site at any particular hour

4) The identity and background of the leader among the suspects

5) The capabilities of the suspects, considering the following:

   - Magnitude of their violations and the suspects' classifications
   - Their previous police arrests
   - Likelihood of resistance
   - The physical and mental conditions of the suspects
     - Are they professionals, junkies, psychotics?
     - Are they known cop-fighters, militants, specialists in unarmed fighting (karate)?

6) Weapons background of the suspects (proficiency)

   - Do they have police records for use or carrying of firearms?
   - Are they usually armed?
   - What is their military background?
   - Do they have access to weapons--if so, what types, how many, how much ammunition?
   - Are they knowledgeable in the use of explosives?

7) Access of suspects to modes of transportation

   - Obtain all registration numbers and descriptions of autos, planes, boats, etc.
   - Locate all vehicles for the purpose of guarding them during the raid.

8) Anticipation of media reaction to arrest, or possible death of the suspects

3) A reliable informant who has proven himself in the past can provide invaluable information on suspects, associates and personal habits. Whenever possible, however, the informant's information should be verified.

4) Subterfuge involves getting a raid team member or members into the target area for the purpose of gathering necessary raid information. The possibility of gaining access to a target location is limited only by the imagination of the personnel involved. Disguises may include building inspectors, utility repairmen, delivery men, fire department inspectors, city inspectors, or police uniformed officers in circumstances where their presence would not be unusual.

Positive identification of the physical target is an important legal consideration. The identification should be accomplished during the ongoing investigation by the agency that initiated the case. It should be firmly established before planning the raid. Unfortunately, when intelligence is not updated for the benefit of the raid team members, mistakes can occur. Law enforcement officers are aware of the adverse publicity that has been received in incidents where gross errors were made in identifying the correct physical target of a raid. Such errors have resulted in violations of the rights of innocent persons and suspects, in the loss of cases at the judicial level, and in the death or injury of law enforcement personnel. Narcotics enforcement officers should constantly bear in mind that they are not only subject to agency discipline for their errors in judgment, but they can also be held legally responsible in civil suits.

In this day of tract houses, look-alike garden apartments, high-rise complexes and identical apartment layouts, it is very easy to err in locating the target. Although the location to be raided must be described in detail on the application for the warrant, errors are still being made. Therefore, it is incumbent upon the raid team leader to verify target location intelligence submitted by the investigating agency. Moreover, after the team members are selected, they should be allowed to conduct additional surveillance to clarify or confirm the positive identification of the target location.

PRE-RAID BRIEFING

During the course of raid planning, there will be numerous meetings among members of the raid team, the team leader, and his supervisors. Operational planning for the raid should be kept among the immediate members of the raid team and information concerning the proposed raid operation should be disseminated on a need-to-know basis. All of the planning activities that precede the raid culminate in the pre-raid briefing of raid team personnel.

At the pre-raid meeting, it is important that the following activities be carried out:

- The raid commander, who should be conducting the meeting, must be identified.

- All team members should be familiar with one another, and they should all be aware of the system established to identify one another. For this reason, it is important that all members of the team be present.

- Where an extremely large raid group will be used, the team leaders should be briefed by the raid commander. Team leaders, in turn, brief their teams in detail on the specific assignments to be performed by

each team member. Where a small raid group is used, all members should be briefed by one person.

- The briefing should incorporate a "mock-up" diagram of the objective. This allows team members to relate their moves to something they can see, while potential problems can be discerned and eliminated during the briefing. This mock-up or diagram should be as detailed as possible and should be complemented by photos, maps, and sketches.

- Along with ensuring that all raid members are aware of the specific nature of the operation, the raid commander and team leaders must make sure that the suspect or suspects are clearly identified and known by the officers. The raid members must review and be thoroughly familiar with the suspect's photograph and other descriptive material. Undercover agents should furnish information on the characteristics of the suspects and note any previous statements about expected violence.

- Raid members should know the nature of the narcotics evidence that is being sought, since the nature of the drug may determine the amount of surprise necessary to prevent its destruction. Knowledge of the expected narcotics evidence may also aid in determining where the evidence may be hidden.

- A detailed description of any autos (or boats or planes) used by the suspects should be given. These vehicles can be watched or seized, if it can be shown that the autos were in any way used to facilitate narcotics trafficking. In addition to license plate numbers, an accurate, detailed description of the vehicles should be provided, since license plates can be easily changed.

- Information on timing should be specific. The briefing officer should give the exact time that the raid team will meet at the pre-selected assembly point, and allow a specific amount of time for the team to get from the assembly point to the target area and into position.

- The tactics to be employed to gain entry should be reviewed in depth.

- The team members should know who will be in possession of the warrant.

- Post-entry assignments should also be given sufficient consideration and explanation. These assignments include:

  1) Custody and handling of prisoners

  2) Custody and handling of evidence

  3) Custody and handling of seized vehicles

  4) Handling of additional suspects who arrive on the scene during or at the conclusion of the raid operation

  5) Transporting the team from the raid site back to the assembly point

  6) Procedures for securing the target location or placing it under a post-raid surveillance if necessary

The briefing officer should also take time to discuss special instructions and assignments where the circumstances of the raid call for them. Although the list for such circumstances is inexhaustible, the following are examples:

- If an undercover officer is going to be present at the target location, raid team members should know his identity and be aware of instruction as to how he is to react during the raid. For instance, it must be stated if he will be treated like a suspect to protect his identity or if he will openly assist the entry and search units.

- If an informant is going to be present at the target, it may be advisable to make his identity known to raid team members on a need-to-know basis.

- If there is special equipment to be utilized, it is important that the people using this equipment have proper training in its use.

- Although every officer should have his own communication equipment, a system of hand or light signals should be devised in case the equipment fails or circumstances prohibit its use.

- In raiding a clandestine laboratory, it will be necessary to have a qualified chemist accompany the search detail. The chemist will be especially useful if the raid interrupts lab procedure in progress, because he can testify as an expert to identify the purpose of chemical processes. If no chemist is available, either the suspect should be put to work to secure the lab or the investigators should await the arrival of qualified personnel to secure the lab.

- In the apprehension of juveniles, care must be taken to use minimum force. Additionally, juveniles must be processed separately from adult offenders, and this separation should be maintained until they are released.

- If there is reason to believe that female suspects will be apprehended during a raid, arrangements should be made to have them searched and attended by a female officer.

When an undercover officer is involved in a situation where a raid is about to occur, it is preferable that he not be present when the raid takes place. If this is impossible or if his absence might compromise his identity, he can be apprehended, in which case the disposition of the "arrest" will depend upon the circumstances.

## RAID EQUIPMENT

In discussing the equipment needed for a raid, it is important to remember that each operation will have its own particular requirements based on the nature of the raid, the resistance expected, the methods to be used to gain entry, and the intelligence gathered. A unit commander should recognize that his unit will often have to borrow equipment necessary for a raid. Pragmatically, a unit cannot afford to purchase much of the equipment that it will use in this type of operation. Even if it could, such purchases would not be cost-effective as the equipment is used infrequently.

All raid team personnel should be armed with their personal firearms, as dictated by organizational policy. It should be remembered that the use and/or display of the right weapons at the right time will often eliminate casualties on both sides. If the suspect can be convinced that he is going up against a well disciplined, well armed

group of men, he may decide against offering any resistance. The following factors may be considered:

- Fully automatic weapons have a great psychological effect, although in some quarters they may be impractical and may cause unnecessary casualties. They are also inaccurate and tend to jam.

- High-powered rifles are especially good in anti-sniper work that may be part of a raid. However, due to the range and the power of these weapons, their use in raids in an urbanized area is severely restricted.

- Shotguns are considered by police officers to be the best all around weapon in a raid situation due to the firepower it provides and its psychological effect. The capabilities and uses are all but limitless, because the user can avail himself of all of the various types of slugs or buckshot. In addition, the shotgun is easily maintained and it is relatively easy to train personnel in its use.

- An attempt should be made to standardize weapons and ammunition to be used in an operation as this will ease supply efforts. Furthermore, the exchange of ammunition between members of the raid team might well be critical during a fire fight. In all cases, unit personnel should be required to abide by agency policies concerning firearms.

There are several advantages in requiring that all police officers who participate in a raid be easily identified: (a) the likelihood that police officers might mistake one another for a suspect is reduced; (b) other persons will not have grounds to doubt the identity of police officers; and (c) citizens observing the raid will be aware that it is a police operation. Investigators participating in the operation should be provided with some means of identification which can be instantly recognized from a distance. These identifying items include coveralls, light-weight jackets with the proper lettering or insignia, baseball caps of a distinct color with appropriate markings, and/or distinctive colored head or arm bands. For security reasons, it is advisable to change these items from time to time. Police badges worn where they can be seen offer another alternative although they may not be as visible as some of the other items.

Equipment considerations should include the need for vehicles. Provisions should be made for adequate transportation for the raid team and its equipment, suspects who have been apprehended, and evidence seized. It should be decided beforehand if:

- Team personnel will use marked or unmarked vehicles or a combination of both

- There is a need for sound, lighting, or communication type vehicles

- High pursuit vehicles will be on hand in case of a breakout

- A likelihood exists that a standby medical unit will be needed in the area

Should the operation involve a lengthy surveillance prior to initiating the raid, some consideration should be given to transporting food, water and equipment to the scene of the surveillance.

Effective communication among the members of a raid team is a major factor in determining the success of the operation, since communication capability must provide for effective control of the raid. In addition to hand-carried radios, there are communication devices available that provide binaural hearing without restricting the

officer's mobility. For instance, these devices can be placed in a police helmet, thus enabling the officer to hear messages, without creating a noise outside of the helmet to warn others of the officer's presence. Officers can communicate with their supervisors, and orders can be relayed without delay.

Reliance upon shouting verbal commands must be avoided. Hand and arm signals are the oldest form of communication, but they can still play a very important role in a raid as an alternate means of communication in case of radio malfunction or other problems. During the pre-raid briefing, the meaning of each signal should be explained clearly in order to avoid accidents which may result because of confusion. Public address equipment may also be needed for crowd control and at times for communicating with the criminal.

Entry tools should be included in the usual complement of raid equipment for the unit, and should be augmented by any special tools that are required by the nature of the operation. These include door slams, crowbars, sledgehammers, battering rams, and bolt cutters.

If the unit is in need of tools for entry that it cannot purchase or borrow through normal channels, the local fire department should be contacted as they have most tools that will be needed. Oftentimes these tools are carried on the fire trucks. Other tools are covered in Figure 3.

## RAID EXECUTION

At the end of the pre-raid briefing, or as soon as possible thereafter, while the information is fresh in the minds of the team members, the raid should begin. In the first phase of raid execution, all raid team and support personnel should report to a pre-selected assembly area at the assigned time. This assembly point, which may be a public building, school, or warehouse, should have been selected for its usefulness in concealing the operation and/or its proximity to the target.

At the assembly area, any last-minute updating of intelligence can be accomplished and any last-minute problems resolved. All vehicles and equipment that will not be immediately needed at the target location should be kept ready, with keys in the vehicles and officers assigned to remain with the equipment. Since this equipment will be kept at a place different than the target area, it is important that there be direct communication with personnel at the target in the event that the equipment is needed promptly.

Perimeter team members should then proceed to their assigned positions in order to seal off the area. Road blocks should be set up and pursuit vehicles should be manned and ready. The perimeter detail should be especially careful with equipment because an unfriendly crowd at the site may damage or steal unit equipment.

The cover detail, support detail, and entry detail should then move directly on the target location, using as much cover and concealment as is available and adhering as much as possible to the planned method of approach. The raid team should minimize their conspicuousness upon arrival by avoiding lights and siren, screeching of brakes and slamming of doors. Unnecessary shouting likewise should be avoided. Vehicles should be secured and locked.

The cover detail should take up assigned positions, surround the immediate area of the target location, and proceed with their assigned duties. These duties include:

- Covering all escape routes from the target

Figure 3: TOOLS AND EQUIPMENT FOR RAIDS

- Emergency medical kit
- Flashlights or handlamps (even in a daytime raid the darkened interior of a building may make a light essential)
- Protective equipment
  1) Body armor
  2) Helmets
  3) Visors or goggles
  4) Gloves
  5) Heavy-duty shoes
- Nightsticks or batons--for use in situations where the use of firearms may be excessive force
- Tear gas equipment
- Field glasses
- Hand radios--ensuring that batteries are charged and all radios function and are set to the appropriate frequency
- Spare handcuffs with keys
- Reserve ammunition
- Sketches of the interior of the targeted building
- Photographs of the suspects issued or circulated among the team members
- Field testing kits
- Evidence containers

Special Equipment

- Gas equipment--with personnel trained in its use
- Cameras, film, bulbs--Polaroid cameras are dependable and suitable for the purpose of a raid team
- Flares for both illumination and signalling
- Rope
- Fingerprint equipment
- High-intensity lights
- Rubber gloves for handling unknown substances
- Video tape equipment as required
- Binoculars, night vision devices and distance listening devices

- Setting up observation posts, with an unobstructed view of the target
- Preventing anyone from entering or leaving the target
- Securing suspects' autos to prevent their being used in an escape attempt
- Eliminating disadvantageous lighting
- Where previously decided upon, securing all external utility connections (telephone and water)
- Locating doormen or other building personnel who might disclose the team's presence to the suspects
- Notification of the raid team leader when the detail is in position

The support detail, accompanied by the entry detail, should then enter the target location and observe the target for any signs of activity within the immediate area in which the suspects are located. During such observation, the support and entry teams should not cluster together as this makes them a good target. The officers, with weapons ready, should allow time for their eyes to adjust to interior lighting. The use of more than one entry point should be avoided especially during a night operation. All means of escape should be sealed by the covering detail immediately outside the target location.

The support detail should immediately take up their assigned position within the target location and initiate their assigned duties. These duties include securing internal stairs, elevators, egress routes such as dumbwaiters and laundry chutes, and the immediate area of the apartment or room to prevent people from entering the area from adjoining apartments or floors. Their task is also to darken the immediate area, specifically the hall leading to the door of the targeted room or apartment. The support detail's position should be one with a good view of this doorway. After it has taken position, it should notify all details inside and outside the building that it is in position. The raid team leader will normally be with the support detail if not the entry detail.

It should be remembered that these suggested procedures merely offer a guideline and will, out of necessity, be changed to conform with the method of entry and the nature of the target. For example, in the case of a private dwelling, entry might be made directly into the specific target location, thereby excluding the necessity for an internal support detail.

A number of strategies and tactics are available to the entry unit. In some situations, the tactic of warning the suspect that a raid is imminent may be the most effective approach. The warning can be given by unaided voice, over a telephone, or over a public address system. When calling upon a criminal to give himself up, it must be certain that he can hear the instructions clearly. The warning must first establish the speaker as a police officer and purpose of the raid. The officer should request surrender, and the suspect should be told that he is surrounded, all avenues of escape have been cut off, and that resistance is futile. Specific instructions may then be given concerning the way in which the fugitive should surrender himself. If there is more than one suspect in the building or apartment, the most potentially dangerous one should be ordered out first. The suspect should be instructed to back out of the building with his arms extended upward. Under no circumstances should the arresting officers leave their cover to take custody of the suspect if there is the possibility that other suspects in the building might fire on them. If the suspect is ordered out upon the threat of use of irritant agents by the raid team, and he does not comply within a given amount of time, the raid commander should be ready to follow through on

his threat. If a long period of time is allowed, the suspect has a better chance to formulate plans of escape or resistance. Under no circumstances should the team open fire against the building unless the suspect takes action detrimental to the safety of team members. Warning shots should not be used. In some instances, it may be possible to communicate with the fugitive over the telephone. This method gives the police a more direct and intimate line of communication, and appeals to surrender can be personalized. If the telephone is used, the message and suspect's reply should be recorded.

The tactic of surprise may be needed if dangerous suspects are to be apprehended or if there is the possibility that hostages may be taken by the criminal as a means of escape. Surprise is also essential when narcotics evidence is to be seized. If the commander determines that this type of entry is necessary, it should be performed utilizing maximum safety measures. Forced entry into the suspect's dwelling is meeting him on his home ground, where his familiarity with surroundings is to his advantage.

The tactic of subterfuge may be used to gain entry into a building without encountering resistance or having to use force. With this tactic, the police officer may pose, for example, as a member of an occupational group and thereby not arouse the suspicion of the individuals sought. The officers posing as workmen dress, act, and have the same equipment as would one of the workmen. Whatever pretext is used, it should seem logical to the suspect. The officer using the pretext must be a good actor and be able to gain the upper hand before the suspect becomes suspicious. The exact nature of the pretext used will, naturally, vary with each situation and must be made in light of the facts at hand.

Since the methods that are open to a raid unit to effect entry are infinite, it is difficult to discuss all contingencies in this phase of a raid operation. However, the specific tactic of gaining entry to be used--surprise, subterfuge, or warning--will have been well established before the raid team arrives at the target location, recognizing that some latitude must be given in the plan to allow for an on-site change by the raid commander, should the need arise.

After the raid commander has determined that all of the teams are in position, he will give the entry detail the signal to proceed as planned. Entrance must be made quickly and forcefully, allowing the suspects a minimum amount of time to react. The immediate situation confronting the entry detail will, of course, depend on the actions of the suspects. For example, the suspects might offer no resistance, or they might fire upon the officers, attempt to escape, physically resist, or attempt to destroy evidence.

In summary, then, the assigned duties of the entry detail will be:

a. Effect entry to the target location

b. Identify themselves and state the purpose of the entry

c. Gain control of the suspects

d. Secure all weapons found in the target location

e. Prevent the destruction of evidence

f. Establish order inside the target

g. Search all of the suspects and place them under guard

h. Advise all members of the raid team as to the status of the operation

If surprise is lost during the entry or before entry has been attempted, the entire area should be illuminated inside and out to show the suspects the hopelessness of resisting. If silent entry is the goal, raid members should ensure that all gear that might make noise is firmly secured, and that they have the proper footwear. They should stay close to walls while climbing stairs or walking in a hallway, being mindful of squeaky floors and hinges. If a team member does make noise, he should stop. If he is undetected, he should proceed. If he is detected, he should drop to the floor facing the source of danger with his weapon in front of him.

Upon entering a darkened room, an officer should get in as quickly as possible to avoid a silhouette at the entry point. If time allows, he lets his eyes adjust to lighting or lack of lighting in the room. He should be patient and let the suspect make the first move. Alternatively, he should throw something and then shoot to either side of the gun flash if the suspect fires. It should be remembered that handguns and short-barrelled shotguns are best in an inside shootout, especially in the dark.

Naturally, the fewer members of the entry team who are in the room under these conditions the better it will be for the safety of the personnel concerned. If a silent entry has been made and suspects are found to be asleep, approach should be made from behind the bed and a strong light should be shone in the suspects' face as they are awakened. If the raid plan calls for the target to be isolated and suspects notified of the presence of the police in hopes that they will surrender, plans must be formulated well in advance to cover the possibility that they will instead choose to resist. The following factors should be considered:

- An assault, if it does take place, should be well organized and the discipline of the team members so strict as to preclude heroics.
- The use of tear gas may be the first consideration, bearing in mind the effect that it might have on innocent people, especially in an urban setting.
- The team should have proper support weapons and personnel trained in their use. It is important to have strict control over the firing discipline of the officers.
- Officers should make use of all available cover that will deflect or stop small arms fire. The fields of fire should be established to avoid crossfires.
- Teams should have the proper clothing on hand, which includes rain apparel and camouflage suits.

After the entry and support teams have secured the area, the team leader can call for a search of the premises to begin. After the raid is terminated, the area raided is sealed off until processing is completed. Entry is then allowed only to those persons designated by the raid commander. The processing includes recording and tagging of evidence, identifying and evacuating suspects apprehended, moving property or goods that have been confiscated or recovered, and photographing the scene. After the suspects and all evidence have been removed and the commander determines that the operation has come to its conclusion, all units should be notified. Beginning with the inside units, the raid team can begin to depart from the targeted location. All this should be accomplished through pre-arranged procedures. Thereafter, all team personnel should report back to the assembly point where a head count should be taken and all equipment inventoried and checked.

During the planning stages of the raid operation, plans should have been formulated as to how to handle the target location upon the conclusion of the raid. For example: Are uniformed personnel to be left to safeguard the location? Is a

surveillance team to be left behind to identify other persons who might attempt to enter the location and remove evidence that was overlooked? Should a residual group apprehend additional suspects as they arrive at the location?

As soon as possible after the conclusion of the raid, a debriefing should be held. During this debriefing, all members of the raid team should be closely questioned for pertinent information relating to the raid. Notes should be made of their observations. All reports should be submitted as soon as possible after completion of the debriefing, and they should be disseminated according to established procedures.

A critique of the raid should also be made. An attempt should be made to identify both strengths and weaknesses in the plan, and possible improvements for future plans. Problems encountered in the field should be analyzed and noted on a copy of the tactical plans. The tactical plans from a successful raid and their analyses will prove valuable for future operations.

CHAPTER THIRTEEN

# SPECIAL CASE TYPES*

Two types of cases are unique to narcotics investigations. They are cases involving the operation of clandestine laboratories and cases dealing with the diversion of legitimately produced drugs into the illicit narcotics trade. Investigators must be prepared to handle these types of cases.

## CLANDESTINE LABORATORIES

Drugs in the illicit traffic in the United States have three main sources: smuggling, diversion, and clandestine domestic manufacture.

As increasing enforcement and diplomatic pressure is brought to bear on overseas sources, and increasing regulatory pressure is brought to bear on legitimate distribution, a correspondent increase in clandestine domestic manufacture of illicit drugs can be expected. In the past decade, narcotics investigators have seized hundreds of clandestine drug laboratories in the United States. Through these seizures, millions of doses of drugs were prevented from reaching the streets. These laboratories have been found in isolated farm houses, mountain cabins, city apartment buildings, and urban commercial properties. Operations have ranged from the crude to the sophisticated, and the operators have varied from teenagers to qualified biochemists. The overwhelming majority of drugs produced by clandestine laboratories have been of the amphetamine, methamphetamine, or hallucinogenic type. Little, if any, barbiturates or heroin have been found, although the illicit manufacture of methaqualone, a depressant, has been increasing.

Investigative Procedures. Investigative intelligence regarding clandestine labs can best be developed by establishing liaison with suppliers of precursor and reagent chemicals, suppliers of laboratory equipment, and manufacturers and distributors of machinery used to make tablets and capsules. Many clandestine lab operators now go further than just producing the powder or liquid form of the drug. They actually process it to its final retail form. Indications that a clandestine laboratory is operating in a particular area are a low selling price and a large amount of stimulants available in that area. If the presence of a clandestine lab is suspected, the following activities should be undertaken by investigators:

- New tenants in the community, neighborhood, or apartment building should be checked out.

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*Material in this chapter is based on:

Baltimore City Police Department, Drug Abuse, Identification, Control and Enforcement (1970), Baltimore Police Department, Baltimore, Md.

Drug Enforcement Administration National Training Institute, Lesson Guides, Washington, D.C.

John B. McLaughlin, Drug Investigator's Manual (1974), L.E. Publishers, Chicago.

- An attempt should be made to identify new residents with prior drug arrests.

- Investigators should look for the presence of window fans or other exhaust equipment, particularly those operating in cold weather.

- Utility companies should be contacted to determine if there are any facilities using an inordinate amount of electricity, water, or gas.

- Investigators can check with the post office or express companies for frequent or large deliveries.

- Suspected areas should be checked for visible fumes or unusual odors.

- The on-going assistance of a chemist and a prosecutor is very important for technical assistance and in case a search warrant is quickly needed.

Pharmaceutical companies should be contacted for information on new customers who may do the following:

- Phone in orders by representing themselves as agents for firms or foundations

- Order by mail with letterhead stationery of unknown corporations or foundations

- Submit cash-and carry orders

- Request by mail order that shipments be sent to residential addresses or to post office box numbers

- Order large amounts of chemicals as listed in Figure 1.

- Change order procedures frequently

Investigators should also copy the list in Figure 1 and distribute it to pharmaceutical companies in their jurisdictional area.

Other lead sources which should be contacted by the investigator include: auction sales of drug firm equipment or salvage firms that deal in surplus or fire-damaged merchandise and equipment; tradesmen who set up equipment or those who deliver heavy machines; library inquiries for scientific information or journals; firms that, although they are not chemical supply houses, distribute or retail chemicals in the local area.

Probable cause for obtaining a search warrant for a place suspected of being a clandestine lab may be derived from such factors as: activities observed during surveillance, chemical odors emanating from the suspected dwelling or building, information obtained from chemical suppliers, or statements obtained from reliable informants. This is where a chemist and a prosecutor would be extremely helpful.

Timing the seizure of a clandestine laboratory can be a problem, especially if the officers do not have an informant. A premature seizure can yield nothing more than the component chemicals. The production process may not have reached the final stage in manufacture of the illicit drug. This, of course, leaves the investigators with no illegal drug to seize as evidence. The only course of action when chemical synthesis has not yet taken place is to charge the suspects with conspiracy to manufacture drugs. However, a thorough investigation, including the services of a good informant who has

Figure 1: CHEMICAL PRECURSORS AND REAGENTS

| | TYPE OF CHEMICAL | HAZARD IDENTIFICATION* | | | HAZARDOUS WITH WATER |
|---|---|---|---|---|---|
| | | Health | Flamma-bility | Reactivity | |
| METHAMPHETAMINE HCl | | | | | |
| Ephedrine | Raw Material | | | | |
| Ethyl Ether | Solvent | 2 | 4 | 0 | |
| Hydrochloric Acid | Reagent | 3 | 0 | 0 | |
| Hydrogen | Catalyst | 0 | 4 | 0 | |
| Hydrogen Iodide | Reagent | | | | |
| Lithium Aluminum Hydride | Reagent | 3 | 1 | 2 | W |
| Methanol | Solvent | 1 | 3 | 0 | |
| Methylamine | Essential Chemical | 3 | 4 | 0 | |
| Palladium Black | Catalyst | | | | |
| Phenylacetone (phenyl 2-propanone) | Raw Material | | | | |
| Potassium Hydroxide | Reagent | 3 | 0 | 1 | |
| Sodium Acetate | Reagent | | | | |
| Zinc or Tinfoil | Catalyst | 0 | 1 | 1 | |
| STP (4-Methyl-2,5-dimethoxy-amphetamine) 1-(2,5-dimethoxy-4-methylphenyl)-2-nitropropene | Essential Chemical | | | | |
| 2,5 Dimethoxytoluene | Raw Material | | | | |
| 2,5 Dimethoxy-4-methyl-benzaldehyde | Raw Material | | | | |
| Ammonium acetate | Reagent | | | | |
| Dimethylformamide | Essential Chemical | 1 | 2 | 0 | |
| Lithium aluminum hydride | Reagent | 3 | 1 | 2 | W |
| Nitroethane | Essential Chemical | 1 | 3 | 3 | |
| N-Methylformanilide | Essential Chemical | | | | |
| Phosphorous oxychloride | Essential Chemical | | | | |
| THC (Tetrahydrocannabinols) | | | | | |
| Ammonia | Reagent | 3 | 1 | 0 | |
| Boron Trifluoride | Catalyst | 3 | 0 | 1 | |
| Cinnamic Acid--beta--Phenylacrylic acid, cinnanylic acid | Essential Chemical | | | | |
| Citral--Geranial,3,7-Dimethyl, 2,6-octadienal | Essential Chemical | | | | |
| Dry Ice | Reagent | | | | |
| Hexane | Solvent | 1 | 3 | 0 | |
| Hexane Ethyl Ether | Solvent | | | | |
| Isoprene-2-methyl -1,3 butadiene | Essential Chemical | 2 | 4 | 2 | |
| Lithium Metal | Reagent | 1 | 1 | 2 | W |
| Malonic Acid | Essential Chemical | | | | |

*From "Fire Protection Guide on Hazardous Materials," 3rd Ed. (National Fire Protection Assn., 60 Batterymarch St., Boston, Mass. 02110). Based on scale of "0" to "4" with "4" as the greatest hazard. "W" indicates unusual reactivity with water.

Figure 1 (cont'd.)

| | TYPE OF CHEMICAL | HAZARD IDENTIFICATION* | | | HAZARDOUS WITH WATER |
|---|---|---|---|---|---|
| | | Health | Flamma-bility | Reactivity | |
| THC (cont'd.) | | | | | |
| Methylene Chloride | Solvent | 2 | 0 | 0 | |
| Methylmagnesium Iodide | Essential Chemical | | | | |
| M-Nitrobenzenenesulfonyl Chloride | Reagent | | | | |
| Olivetol--5--pentylresorcinal, 5-n-amylresorcinal | Essential Chemical | | | | |
| Phosphorus Sulfoxide | Reagent | | | | |
| p-Toluenesulfonic Acid | Reagent | | | | |
| Pyridine | Reagent | 2 | 3 | 0 | |
| Sodium Hydroxide | Reagent | 3 | 0 | 1 | |
| Tetrahydrofuran | Solvent | 2 | 3 | 1 | |
| Toluene | Solvent | 2 | 3 | 0 | |
| Verbenol--(2-pinene) | Essential Chemical | 1 | 3 | 0 | |
| Zinc Chloride | Catalyst | | | | |
| METHADONE | | | | | |
| 4-Dimethylamino -2,2-diphenyl penteneitrile | Essential Chemical | | | | |
| Dimethylamine | Essential Chemical | 3 | 4 | 0 | |
| Diphenylacetonitrile | Raw Material | | | | |
| Ethylmagnesium bromide | Essential Chemical | | | | |
| Hydrochloric acid | Reagent | 3 | 0 | 0 | |
| 1-Dimethylamino-2-Chloropropane | Essential Chemical | | | | |
| Phosphorus tribromide | Essential Chemical | | | | |
| Potassium tertiary--Butoxide | Essential Chemical | | | | |
| Propylene Oxide | Essential Chemical | 2 | 4 | 2 | |
| Sodamide | Essential Chemical | | | | |
| PCP (Phencyclidine hydrochloride) | | | | | |
| 1-Phenyl-1-piperidinocyclohexane hydrobromide | Precursor | | | | |
| 1-Piperidinocyclohexane carbonitrile | Raw Material | | | | |
| Bromobenzene | Essential Chemical | 2 | 2 | 0 | |
| Hydrobromic Acid | Reagent | | | | |
| Hydrogen Chloride Anhydrous | Reagent | | | | |
| Magnesium metal turnings | Reagent | 0 | 1 | 2 | W |
| Phenyl magnesium bromide | Precursor | | | | |
| LYSERGIC ACID | | | | | |
| Ammonia Gas | Reagent | 3 | 1 | 0 | |
| Ergotamine Tartrate | Raw Material | | | | |
| Nitrogen Gas | Reagent | | | | |
| Potassium Hydroxide | Reagent | 3 | 0 | 1 | |

Figure 1 (cont'd.)

| | TYPE OF CHEMICAL | HAZARD IDENTIFICATION* | | | HAZARDOUS WITH WATER |
|---|---|---|---|---|---|
| | | Health | Flammability | Reactivity | |
| LSD (d-lysergic acid-N, N-diethylamide) | | | | | |
| Acetonitrile | Solvent | 2 | 3 | 1 | |
| Anhydrous Sodium Sulfate | Reagent | | | | |
| Basic Alumna | Reagent | 1 | 0 | 1 | |
| Benzene | Solvent | 2 | 3 | 0 | |
| Chloroform | Solvent | 2 | 0 | 0 | |
| Diethylamine | Essential Chemical | 2 | 3 | 0 | |
| Dimethylformamide | Essential Chemical | 1 | 2 | 0 | |
| Ethanol | Solvent | 0 | 3 | 0 | |
| Ethyl Ether | Solvent | 2 | 4 | 1 | |
| Ethylene or Methylene Dichloride | Essential Chemical | 2 | 3 | 0 | |
| Isopropanol | Solvent | 1 | 3 | 0 | |
| Lithium Hydroxide Monohydrate | Essential Chemical | | | | |
| Lysergic Acid | Raw Material | | | | |
| Methanol | Solvent | 1 | 3 | 0 | |
| Sulfur Trioxide | Reagent | | | | |
| Sulfuric Acid | Reagent | 3 | 0 | 2 | W |
| Tartaric Acid | Reagent | 0 | 1 | 0 | |
| Trifluoroacetic Anhydride | Reagent | | | | |
| MESCALINE (3,4,5, Trimethoxyphenethylamine) | | | | | |
| 3,4,5, Trimethoxybenzoic Acid | Raw Material | | | | |
| 3,4,5, Trimethoxybenzyl Alcohol | Raw Material | | | | |
| 3,4,5, Trimethoxybenzyl Chloride | Raw Material | | | | |
| 3,4,5, Trimethoxyphenylacetonitrile | Raw Material | | | | |
| Anhydrous Ether | Solvent | 2 | 4 | 1 | |
| Ethanol | Solvent | 0 | 3 | 0 | |
| Lithium Aluminum Hydride | Reagent | 3 | 1 | 2 | W |
| Potassium Hydroxide | Reagent | 3 | 0 | 1 | |
| Sodium Hydroxide | Reagent | 3 | 0 | 1 | |
| Sulfuric Acid | Solvent | 3 | 0 | 2 | W |
| PEYOTE EXTRACTION FOR MESCALINE | | | | | |
| Ammonium Hydroxide | Reagent | | | | |
| Chloroform | Solvent | 2 | 0 | 0 | |
| Ethanol | Solvent | 0 | 3 | 0 | |
| Hydrochloric Acid | Reagent | 3 | 0 | 0 | |
| Sodium Carbonate | Reagent | | | | |
| Sodium Hydroxide | Reagent | 3 | 0 | 1 | |
| Sulfuric Acid | Reagent | 3 | 0 | 2 | W |

Figure 1 (cont'd.)

| | TYPE OF CHEMICAL | HAZARD IDENTIFICATION* | | | HAZARDOUS WITH WATER |
|---|---|---|---|---|---|
| | | Health | Flamma-bility | Reactivity | |
| DMT (N,N-Dimethyltryptamine) | | | | | |
| Anhydrous Ethyl Ether | Solvent | 2 | 4 | 1 | |
| Benzene | Solvent | 2 | 3 | 0 | |
| Chloroform | Solvent | 2 | 0 | 0 | |
| Dimethylamine | Essential Chemical | 3 | 4 | 0 | |
| Indole | Raw Material | | | | |
| Lithium Aluminum Hydride | Reagent | 3 | 1 | 2 | W |
| Methanol | Solvent | 1 | 3 | 0 | |
| Oxylyl Chloride | Essential Chemical | | | | |
| Petroleum Ether | Solvent | 1 | 4 | 0 | |
| Sodium Sulfate | Reagent | | | | |
| Technical Ethyl Ether | Solvent | 2 | 4 | 1 | |
| Tetrahydrofuran | Solvent | 2 | 3 | 1 | |
| AMPHETAMINE SULFATE | | | | | |
| Ethyl Ether | Solvent | 2 | 4 | 1 | |
| Formamide | Essential Chemical | | | | |
| Hydroxyl Amine | Essential Chemical | 1 | 3 | 3 | |
| Hydrogen | Catalyst | 0 | 4 | 0 | |
| Lithium Aluminum Hydride | Reagent | 3 | 1 | 2 | W |
| Methanol | Solvent | 1 | 3 | 0 | |
| Palladium Black | Catalyst | | | | |
| Penylacetone (phenyl 2-propanone) | Raw Material | | | | |
| Potassium Hydroxide | Reagent | 3 | 0 | 1 | |
| Sodium Acetate | Reagent | | | | |
| Sulfuric Acid | Reagent | 3 | 0 | 1 | W |

access to the lab, will enable the raiding party to enter after an illegal drug has been produced. Illegal manufacture and possession can then be charged.

The investigators should remember that, once they have the search warrant, they are in control of the exact time at which the raid can be conducted. Thus, the raid should be planned when unit intelligence indicates that is the most appropriate time for confiscating finished products and apprehending suspects. As much intelligence as possible should be completed on the exact location of the lab within a building and the exact location of exhaust fans, overflow hoses, and other disposal devices.

Raiding the Clandestine Lab. Raiding a laboratory can be dangerous because of the possibility of fire and explosion. Furthermore, there is a possibility of drug ingestion on the part of raiding officers by breathing fumes or by skin contact with the drug. It is strongly suggested that local officers never raid a clandestine laboratory without the presence of a qualified chemist. Chemists can help to prevent fire or explosion. They can also be of invaluable assistance in obtaining search warrants by describing technical equipment and chemicals involved in the manufacturing process. A chemist may also be able to identify some of the drugs being produced by odors, appearances, and other information. After the laboratory has been secured, a chemist can help identify, collect, and preserve evidence by selecting the items necessary to prove the case. As a safety precaution, the local fire department should be notified at the time that the raid is initiated.

If the raid officers find themselves without a chemist, they should be guided by the following suggestions:

- Keep the laboratory operator present when shutting down the lab; his advice on the procedure being used may save his life and those of the officers.
- Do not allow smoking in or near the lab site.
- Do not use cameras with flashbulbs; use a strobe light instead.
- If fumes within the laboratory are strong, shut off all electrical equipment, except motors being used to stir materials or that are otherwise part of the chemical process.
- Evacuate nearby people after the lab site is under control.
- Be alert for any container labeled Lithium Aluminum Hydride, which is an extremely explosive substance when combined with water.

Collecting Evidence. The collection of evidence from a clandestine laboratory should include the photographing of the entire laboratory operation before it is dismantled, as well as pictures of the individual processes and equipment before anything is removed. The following are items which should be seized as evidence by the investigators:

- The finished product of the manufacturing process
- Primary and secondary precursors—that is, those substances removed one or two steps in the chemical reaction from the end product
- Basic raw materials to which other compounds can be added to formulate the end product
- Equipment used in any phase of the manufacturing process, including tablet making machines

- Any in-process material, such as residue and dry precipitates

- All literature and formulas--these are important for establishing the fact that the lab was producing a controlled drug and as intelligence information on new drug trends

Investigators should prepare a complete inventory of all items seized and a list of items not seized or destroyed by fire. Since many labs now process the finished product into retail form, investigators should familiarize themselves with machines that can be used to produce tablets, including single and multi-punch machines. Officers should be aware that, in addition to the active ingredients, a tablet is composed of inert materials. These include diluents, binders, lubricants, disintegrators, and colors, which also should be seized as evidence.

A diluent is an inert substance which is added to the active ingredient in order to increase its bulk. The average LSD tablet contains only between one and two ten-thousandths of a gram of LSD. Hence, it is obvious that another material must be added to make tableting possible. Diluents include dextrose, lactose, mannitol, kaolin, dicalcium, and phosphate.

A binder is a substance used to impart cohesive qualities to the powdered material. They insure that the tablet remains intact after compression. They also improve the free-flowing qualities of the substance to be tableted. The most common binders are starch, gelatin molasses, ethylcellulose, lactose, various natural and synthetic gums, and sugars, such as sucrose. Binders can be used either dry or as solutions, depending on the procedure followed.

Lubricants are used to prevent adhesion of the tablet material to dyes and punches. They also improve the rate of flow of the material. Examples of lubricants are talc, starch magnesium stereate, calcium stereate, boric acid, paraffin, cocoa butter, and soaps.

A disintegrator is a substance or a mixture of substances added to a tablet to facilitate its breakup after being taken. Most common disintegrators are corn and potato starch. Color materials include any water soluble dyes.

To demonstrate tablet composition, the following is a typical makeup of an LSD tablet:

| | |
|---|---|
| LSD | 0.025 mg |
| Gum Arabic | 0.100 mg |
| Stearic Acid | 0.600 mg |
| Tartric Acid | 1.000 mg |
| Talc | 2.500 mg |
| Cornstarch | 5.000 mg |
| Mannitol | 20.775 mg |

DIVERSION CASES

At times, the narcotics investigator may be called upon to investigate an authorized drug dealer who is suspected of diverting narcotics and dangerous drugs from legitimate channels of distribution. While specialized agencies are typically entrusted with compliance investigations of manufacturers and distributors, the local investigator will often have to conduct any investigation of a physician suspected of diverting drugs.

A physician who illegally dispenses prescribed controlled substances will eventually become known to law enforcement officers in the community. The physician's

patients will include teenagers, addicts or thrill-seekers, and it is only a matter of time before some of these individuals are brought to the attention of local enforcement officers. Occasionally a physician will act in the capacity of a broker, buying larger quantities of controlled substances on the basis of his medical registration and then selling these controlled substances to non-registrated individuals for the illicit market. This second activity is less frequently found. When encountered, it should be investigated in ways similar to those used with any large scale drug dealer, including surveillance and undercover buy techniques.

When the physician uses his position to sell or prescribe drugs outside the scope of professional practice, a unique investigative situation is presented. The investigator should attempt to make a direct undercover purchase of a drug or a prescription. Alternatively, he can look for a record keeping violation. The first method is more desirable. A cash sale or a prescription that yields actual drug exhibits is better for trial purposes than books and records.

In preparing a criminal case against a doctor for the illegal distribution of a controlled stubstance, the investigator and prosecutor must keep in mind that they are dealing with a professional person who is probably a respected member of the medical profession and the community. Therefore, in the investigative stage of a criminal case, the investigative officers and prosecutor must be very thorough. If the case goes to criminal trial, the judge and jury must have no doubt that the acts committed by the doctor were outside the scope of professional practice and were criminal in nature.

Two important factors must be established prior to prosecution of a case against a doctor. First, it must be established that there was no doctor-patient relationship between the doctor and the undercover officer. Second, it must be established that there was a criminal sale of a controlled substance. The second point will not stand unless the first point is firmly established.

The Physician-Patient Relationship. The issue of what constitutes dispensing of drugs within the course of a practitioner's professional practice has been litigated in numerous cases. These cases have established criteria by holding that there must be a bona fide physician-patient relationship. In establishing this relationship, the burden is upon the practitioner to prove the following:

1) A physical examination, and/or

2) At least some rudimentary questioning concerning the health and condition of the patient, and

3) That the drug which is prescribed, administered, or dispensed by the physician is for a legitimate medical purpose

Thus, where the evidence shows that in every instance in which a purchase or a prescription was issued for a controlled substance to a law enforcement agent, and no physical examination was made and the physician failed to ask rudimentary questions concerning the health and condition of the patient, such dispensing (administering or prescribing) was outside the course of his professional practice. In addition, the case against the practitioner is made clearer where the physician charges and receives payment for the drug or prescription and makes no charge for his medical services.

In DeFreese v. United States, 270 F.2d 737, (5th Cir., 1959) the court held that drugs were not dispensed within the course of a bona fide physician-patient relationship when the defendant physician did not administer a physical examination to the purchaser and did not consider him his patient.

In White v. United States, 399 F.2d 813 (8th Cir., 1968) the court held that Congress, in passing the Drug Abuse Control Amendments, intended to restrict the conduct of licensed physicians regarding their prescribing and administering of controlled substances. The provision in these amendments is very similar to that in the Uniform Controlled Substances Act and the Michigan Controlled Substances Act with respect to the restriction "in the course of professional practice." In addition, the court held in the White case that a prerequisite to the issuance of a prescription for a drug is a bona fide physician-patient relationship. They physician must conduct an examination of one who has come to him for his medical expertise and the doctor must then make an intelligent determination that a particular drug would be beneficial to that person. Only then, does he have a right to administer or prescribe drugs. A more recent case that reinforces these two court decisions is United States v. Moore, U.S. Supreme Court, No. 74-759 (1975).

Cases under the narcotics laws have also defined what constitutes dispensing drugs within the scope of the doctor's professional practice. These cases indicate that if a prescription is issued for a narcotic drug to an habitual user, not for the purpose of treatment in an attempt to cure the habit (which would require decreasing dosage), but rather to provide the user with a narcotic to keep him comfortable, such an order is not a prescription issued in the course of professional practice.

Making Contact. In arranging an office visit and establishing the initial contact with the suspended physician, the undercover agent must consider numerous factors in developing a consistent and meticulous case. Knowledge of the physician's modus operandi should be obtained before any contact is made. This should not be too difficult, because a suspect physician will have an established reputation for providing prescriptions to addicts or catering to other abusers.

In some instances the undercover contact can be made successfully with the assistance of a cooperating individual who will arrange the initial introduction or meeting. The more careful doctors will generally not accept patients that walk in off the street, but will require an introduction from a known patient. As in most undercover operations, it is best for the informant to be excluded as a witness to the transaction and from any active participation in the investigation as soon as the initial introduction has been completed.

The agent's explanation upon entering a physician's office should be vague, but oriented toward obtaining drugs. He should make it known that he wants a certain drug for a non-medical purpose. He can represent himself to be in good health in order to avoid a physician examination. If an examination is offered, he must advise the physician that he has never felt better in his life, that he did not come to be examined anyway. He should make it known to the docotr that his main purpose in making an appointment is to obtain drugs. Moreover, the investigator should not disclose to the pharmacist the reasons for having the prescription filled by him or the nature of the investigation.

The officer can never claim that he is an addict. During his initial visit, he should discourage any verbal exchange that could be considered as establishing the doctor-patient relationship. The expressed or implied existence of a doctor-patient relationship would detract from the successful prosecution of the case. The following reasons can be given by an undercover officer when making a purchase of drugs or obtaining a prescription for controlled substances:

- He is a truck or taxicab driver needing "uppers" to keep him awake.
- He is a student needing "uppers" to stay alert while studying for his examinations.
- He needs them merely to make him feel good.

- He is a musician and he needs them to help him play better.
- He needs the drugs for his girlfriend or his hookers.
- He needs the drugs for a friend who has a habit.
- He needs quality rather than quantity and doesn't want to use unknown street products.

The undercover officer cannot say he needs depressant drugs because he cannot sleep. The reason is that sleep is a normal body function; consequently, a prescription for barbiturates, for example, would be the correct treatment. Moreover, if the officer relates to the physician that he is an addict, the physician can later claim he is treating the addict, and this could hamper the prosecution. If possible, a wide variety of drugs should be purchased to make it overwhelmingly clear that no medical usage was intended.

The undercover officer may at some time encounter a doctor who will insist on administering drugs at the time of the office visit. Under no circumstances should the officer agree to this type of procedure. The officer can avoid the administration of drugs by employing the following reasons:

- I have just taken drugs, and any more at this time would make me "freak out."
- I have to drive up-state, and any more at this stage would make me high.
- I want to wait for the weekend when I am having a party.
- I only use drugs at night.

The frequency of purchase should fall well short of the dosage period if the dosage were being taken in a normal manner. For example, where the physician sells or prescribes only a one or two-week supply, the officer should return for an additional supply well before the one or two-week period has expired. This will make it known to the physician (and the jury) that the drugs are being used for non-medical purposes. If the physician asks the officer why he is returning sooner than scheduled, the officer can use an explanation such as:

- The drugs made him feel good so he took them more often.
- The drugs were given or sold to a friend.
- The drugs were given out at a party.

Once the officer establishes that he is a paying and trusted customer, he should be able to introduce a second undercover officer as a new customer or he may be able to obtain a prescription for a non-existent patient. It is important to keep in mind that establishing the lack of any doctor-patient relationship is of the utmost importance in developing a case against the physician.

Another technique that can be employed during undercover operations of this sort is the recording of telephone conversations between the officer and the doctor concerning a prescription or the purchase of drugs. The recording should be treated as any other evidence. Usually a search warrant is not necessary since one of the parties to the conversation has consented to the recording. As in any undercover operation or investigation, surveillance of the undercover officer is paramount. This procedure provides not only a safety factor for the undercover officer, but it also corroborates

his testimony. The official funds that are used to purchase drugs should have their serial numbers recorded in order to corroborate the buy. If the arrest is made immediately after the final purchase, the official funds should be seized and held as evidence.

CHAPTER FOURTEEN

# CONSPIRACY INVESTIGATIONS

A conspiracy occurs when two or more persons enter into an agreement to violate the law and there is a commission of one or more overt acts in furtherance of the agreement. The value of a conspiracy case is its potential for prosecuting the heads of drug trafficking organizations. Most drug trafficking organizations are pyramidal in design in order to put "buffers" between leaders and the law. Usually, by the time a violator has become the head of his own organization, he no longer touches the drugs, so he is unlikely to be found in possession of drugs or personally making a sale. However, due to the flexibility of evidentiary rules in conspiracy law, prosecution of important crime figures is possible. Although the amount of work that goes into developing a conspiracy may be considerable, the amount of evidence needed to link an individual to a conspiracy is surprisingly minimal.

Conspiracy has been defined in numerous court decisions as:

- A combination of persons for an illegal purpose
- An agreement by two or more persons to commit a crime in concert
- An agreement manifesting itself in deed or deeds, by which two or more persons confederate to do an unlawful act or to use unlawful means to do an act which is lawful

Conspiracy is an inchoate crime, which means that it does not have to be completed. Unlike bank robbery, which may occur over a period of several minutes' duration, a narcotics conspiracy may be extended over a long period of time. It can also have multiple purposes, such as conspiracy to buy and distribute different types of narcotics. In conducting a conspiracy investigation, investigators try to show that suspects conspired to commit:

- An illegal act by using illegal means
- An illegal act by using legal means
- A legal act by using illegal means

Legally, a conspiracy cannot exist where both the object of the agreement and the means intended to achieve it are lawful. It is the agreement itself which constitutes the crime, and not the object of the endeavor or the means undertaken to accomplish it.

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*Material in this chapter is based on:

Domestic Council Drug Abuse Task Force, White Paper on Drug Abuse (1975), U.S. Government Printing Office, Washington, D.C.

Drug Enforcement Administration, Conspiracy Manual, U.S. Government Printing Office, Washington, D.C.

International Association of Chiefs of Police, Legal Points 17 & 18, Conspiracy I and Conspiracy II (1973), IACP, Gaithersburg, Md.

There are three areas of law which are particularly important to Conspiracy Investigations. The first two are similar in theme; the Pinkerton Theory from U.S. vs. Pinkerton 328US640 (1946) and the Theory of Vicarious Liability in Criminal Conspiracy.

The Pinkerton Theory states in part that members of a conspiracy are acting as agents of one another and, therefore, assume liability for the actions of the other co-conspirators that are related to conspiratorial objectives.

Vicarious liability generally states that a party to a conspiracy assumes responsibility for substantive offenses committed by other co-conspirators if the offense was a foreseeable consequence of the plan or a part of the common design. Liability attaches even though all parties did not participate in the crime, so long as they were members of the conspiracy at the time the crime was committed.

The last area is that of the Accomplice Statement Exception to the Hearsay Rule.

Hearsay is generally not admissible. In certain situations and under certain circumstances, hearsay is admissible; conspiracy prosecutions being one.

In the co-conspirator-accomplice exception, statements made by one co-conspirator during the conspiracy and in furtherance of it are binding on all other conspirators so long as there is other evidence to establish the existence of the conspiracy.

This exception to the Hearsay Rule, though not limited to conspiracy cases, is a very helpful advantage in conspiracy prosecutions.

ELEMENTS OF CONSPIRACY

Federal courts are not always in complete agreement as to what elements are requisites to a conspiracy, however, all agree that in its simplest form there must be at least an agreement and one overt act. One district court has stated that the object and the plan or scheme are also requisites. Evidence lending proof to any of these elements is pertinent and admissible.

1) Object. The object of the conspiracy need not be punishable as a crime. For example, some frauds are not crimes, but they obstruct lawful government functions by misrepresentation. As such, they are considered to be offenses under a conspiracy statute. The conspirators may also have any number of objects, some of which could be innocent. However, if one of the objects is to commit an offense, this element of the conspiracy is satisfied.

The conspirators may never achieve their objective, or the object may be impossible to accomplish. A conspiracy conviction, however, could still be sustained if there were an intended object and other elements were proved. The fact that the defendants might be incapable of committing the substantive offense, such as when they have inadequate laboratory equipment, or when they inadvertently bought oregano instead of marihuana, or milk sugar instead of heroin, is not an acceptable defense.

2) Plan or Scheme. In a conspiracy there may be one scheme and various tactical plans developed from time to time. While it is not necessary to prove the scheme or plan of the conspirators, evidence pertinent to it is admissible. Moreover, if the conspirators fail in their first attempt but later succeed, the first failure can be used as proof of a conspiracy.

3) Agreement. The agreement among the conspirators need not be in any particular form. It may be in writing, but usually it is not. It may be entered into by telephone, telegraph, or verbally. In short, if two or more persons knowingly operate in concert to achieve an illegal end, even with only a tacit understanding, they are conspirators.

4) Overt Act. An overt act to achieve the object is required. The conspirators have an opportunity to change their minds and escape prosecution up to the point that someone does something in furtherance of the agreement. A single overt act is sufficient to complete the offense. The act itself may be innocent except for its connection with the unlawful agreement. For instance, borrowing money in furtherance of a conspiracy to buy narcotics would be an overt act. Of course, the overt act may also be a crime itself, in which case it is a new and independent crime in addition to being part of the conspiracy. A statement in furtherance of a conspiracy may also be an overt act, such as when suspect "A" tells suspect "B" that he will buy the narcotic if "B" will smuggle it from Mexico.

Members of a conspiracy always consist of two or more persons who enter into the original agreement. However, a person joining in the original agreement at some later date also becomes a member. Moreover, a person becomes a member without specifically joining in the agreement if he has knowledge of the conspiracy and performs an act to achieve its object. When a person with knowledge of the conspiracy joins at any stage, he becomes a party to the acts already done, even though all the details of the conspiracy are not known to him.

Original members of a conspiracy can successfully withdraw prior to the commission of the first overt act by uttering a provable renunciation or performing some affirmative act of withdrawal. However, the law presumes that membership is retained in absence of proof of withdrawal. If withdrawal takes place after an overt act is committed, the only effect of withdrawal is to start the statute of limitations period running in favor of the withdrawer. In essence, it is extremely difficult for a conspirator to get out of a conspiracy. He must go to the police or die. Otherwise the burden of proof of termination is on him. In addition, the arrest of a conspirator for the conspiracy violation does not terminate his liability for the continuing acts of conspirators who have yet to be arrested. In other words, a person remains responsible for what he set into motion.

The conspirators need not have any contact with each other or be personally acquainted with each other if, with knowledge of the conspiracy, they cooperate in an affirmative manner. In most conspiracy trials, the actual details of the agreement are not proved. The agreement is inferred from acts and statements which are proved. The investigator shows what was said and done by the conspirators, and the court and jury conclude that what occurred could not have happened except by agreement. Similar reasoning is often applied to proving the plan or the object of a conspiracy. However, in all cases, it must be shown that the persons charged had knowledge of the conspiracy and its purpose. The conspirator must have knowledge that the object, or the means to accomplish it, were illegal.

## EVIDENCE OF CONSPIRACY

Testimonial evidence in a conspiracy case can be described as any evidence presented by a witness to develop, or show, the events of the conspiracy. Corroborative evidence is evidence that will corroborate events or support the testimony of witnesses and/or a logical inferrence of the conspiracy. For example, a hotel receipt or testimony from a hotel clerk may corroborate the fact that the conspirator giving state's evidence did actually travel to a city where he claims to have met with other members of the conspiracy. In essence, a conspiracy may be proved by circumstantial evidence. However, in order to convict on such evidence, inferences drawn from it must overcome the reasonable presumption of innocence.

1) Association of conspirators. Although it is not necessary to show that conspirators were personally acquainted with each other or that one had direct contact with all others, direct or indirect cooperation in some form must be shown. If the conspirators knew each other and associated together, proof of these facts is

persuasive. Moreover, evidence tending to show relationship or association between conspirators is admissible even though the particular relations were not in furtherance of the conspiracy charged. Even evidence showing that one conspirator made bond for another is admissible.

2) Admissibility of written materials. When subpoenaed, the custodian of business or corporate records must produce them, even though they may tend to incriminate him personally. It is, however, generally better to use a search warrant if the principals are "the corporation." An original document supporting conspiracy is the best evidence, and must be produced. Exceptions to the "best evidence" rule are: (a) when the original is lost and an unsuccessful diligent search has been made for it; or (b) when the original has been destroyed and the proponent did not destroy it to keep it from the court; or (c) when the original is beyond the reach of court process; or (d) when the original is in the hands of the opposition. In such cases, secondary evidence may be used.

Secondary evidence is either a copy of the original or testimony of a witness who remembers the content of the original. Technically, there is no rule designating one type of secondary evidence as superior to the other. However, it must be proved that there was an original. If a copy is offered, it must also be established that the copy is a true and correct copy of the original.

Papers bearing handwriting of one defendant and executed in furtherance of the conspiracy are admissible against all conspirators. However, the identification of the writer is essential. If the writer cannot be identified, the document is purely hearsay. To establish a conspiracy, telegrams on the subject are admissible in evidence if identified and related to the defendants. Moreover, it is a separate federal offense to use a communications facility to perpetrate a federal narcotics offense. Notations of telephone numbers found on the person or in the residence of a defendant tend to show the associates of the defendant, including possible conspirators. Telephone company toll and billing records showing calls between conspirators are admissible.

3) Res gestae rule. Under the res gestae rule any statements made or anything done so close to a crime as to be considered a part of it, but which would be inadmissible under the rules of evidence, may be admissible as a part of the res gestae (or things done). Therefore, anything said or done to further a conspiracy may be a part of the res gestae, even though it would be inadmissible in other types of crime. This is an exception to the rule which prohibits accusatory hearsay statements of a co-defendant who is not subject to cross-examination. Statements and acts after the termination of the conspiracy is admissible only against the person who makes it. However, the confessor could take the witness stand and testify against other conspirators.

Statements which are merely boasts or careless revelations may not be in furtherance of the conspiracy, even if made by a conspirator during the continuance of the conspiracy. They are not part of the res gestae but are admissions against interest, and as such, are admissible only against the person who made such statement.

4) Intent. Intent may be proven by direct evidence of actions by conspirators or inferred from other available evidence. For instance, knowledge of the commission of the substantive offense could supply the element of intent. When intent cannot be established otherwise, evidence of similar offenses by the defendant may be used to prove intent. Reliance on such evidence should be a last resort, since it may not be admissible, or might prejudice the case.

5) Acts and statements of persons not on trial. Testimony regarding the acts and statements of an individual while engaged in carrying on a conspiracy may be used as evidence against all conspirators once this basic conspiracy has been established. This is true even though the individual is not arrested or named as a defendant in the

indictment. If one conspirator has been tried separately and acquitted, testimony of that individual's acts and declarations may nevertheless be admissible against other alleged conspirators. The acts and statements performed in furtherance of the conspiracy by a conspirator who dies before trial are admissible in evidence.

Big conspiracies involving large numbers of persons usually include several smaller conspiracies. Each of these conspiracies may be technically complete within itself. This raises the problem of whether to report such violations as one or several cases. If it can be proved that each defendant knew of the broad agreement and in some way participated in its furtherance, it can be charged as one conspiracy. Trials of great numbers of defendants, however, are unwieldly and expensive and may inconvenience hundreds of witnesses for long periods of time. Size alone should not be a deterrent when conspiracy evidence is decisive, but it is usually better to concentrate on several clear-cut small conspiracies rather than a single large conspiracy which might be difficult to control at trial.

It must also be determined whether apparently interwoven conspiracies actually consist of a single conspiracy or several smaller conspiracies. The courts have held that when one large conspiracy is specifically charged, conviction cannot be sustained if the defendants have been prejudiced by proof of different and disconnected smaller conspiracies. For example, if "A" and "B" operate a narcotics distribution ring; "C" and "D" operate a narcotics smuggling ring; while "E" and "F" deal in smuggled gold; they are clearly three separate conspiracies. However, if it can be proven that the narcotics distributors handle merchandise for the other two rings, there is still the possibility of prosecuting one, two or three conspiracies, and the facts must be carefully evaluated. If all three are prosecuted for a single large conspiracy and the court decides that there were three conspiracies, it might be considered a fatal variance and thus defeat the prosecution.

Determining whether buyers and sellers are in the same conspiracy poses a problem which the courts have not resolved with sufficient clarity to allow formulation of exact rules. There are some general guidelines which can be followed.

- A single sale does not constitute grounds for charging a conspiracy involving both buyer and seller.
- For the buyer to become a conspirator he must understand and become a party to the general agreement.
- When smugglers sell contraband to middlemen, knowing them to be middlemen, all may become part of the same conspiracy.
- A vendor of legitimate supplies who knowingly sells to conspirators does not thereby become a conspirator. He must join with them in furthering their illegal activities, e.g., falsifying records or reports to protect the conspirators.

Jurisdiction. A conspiracy indictment can be returned either in the district where the agreement was entered into or in any district in which any overt act was committed. Thus, a conspirator may be indicted, removed to, and tried in a district which he has never been in, if one of the overt acts was committed in that district. If the conspiracy was entered into outside the United States but some overt acts were committed in the United States, the indictment may be returned and the whole case can be tried in any district wherein an overt act was committed. Offenses committed within the territorial waters of the United States give the appropriate district court jurisdiction over any conspiracy involved. Trial of all offenses begun or committed upon the high seas or elsewhere out of the jurisdiction of any particular district or state, will be in the district where the offender is found or into which he is first brought.

Statute of Limitations. Indictments charging conspiracy to violate laws enforced under federal laws must be returned within five years after the last provable overt act. Furthermore, the final overt act in a conspiracy may take place after the substantive offense was committed. For example, after a suspect has smuggled heroin, his subsequent delivery and other acts connected with distributing the heroin would constitute overt acts. The statute of limitations would not commence to run until the last of these overt acts.

Indictments. An indictment for conspiracy is not expected to describe a substantive offense with as much precision and detail as would be required in an indictment of the substantive offense itself. However, the conspiracy indictment must be detailed as to the conspiracy. At least two persons must be mentioned in the indictment. However, failure of the grand jury to indict all the named conspirators is not fatal to the indictment. The indictment may charge one person, by name, of conspiring with persons unknown to the grand jurors. Again, at least one overt act, though not necessarily a criminal overt act, must be charged in the indictment. When offenses charged in an indictment are of the same or similar character, or they are based on the same act or transaction, or two or more acts or transactions connected together or constituting parts of a common scheme or plan, they may be joined in the same indictment but as separate counts. The conspiracy and the substantive crimes growing out of it may all be charged in the same indictment. However, the conspiracy and each offense should be alleged in separate counts. Each count constitutes a separate and distinct offense and the jury must decide guilt or innocence on each count. Likewise, if convicted, a defendant may be sentenced to consecutive time on each count.

## INVESTIGATIVE PROCEDURE

When a case is initiated, the investigator should do a records check of the suspected conspirator by checking with other local, state and federal agencies to determine what type of involvement in narcotics activity the suspect has had. One of the common failings of investigators is not developing information which will impeach the defendant's expected testimony. The investigator must dig up everything that he can on the defendant in anticipation of the defendant's denials of involvement.

In chronological order the investigator should take the oldest case file or report on the suspect and study it. On a separate sheet of paper with headings of date, case number of reports (already written by the investigator), overt act, and corroborative data, he must reduce the action of the targeted suspect to the simplest act and list it. The investigator does this will all reports and information pertaining to the target. He then conducts an investigation to corroborate the acts of the suspect.

Almost anything can be used as corroborative evidence. For example, a drug pusher testifies that he purchased $20,000 worth of narcotics from John Doe, and that he paid the entire amount in $50 bill denominations. Investigations show that subsequently Doe paid cash for an automobile, an expensive woman's coat, and a vacation trip, plus he deposited $2,000. Receipts for these purchases and deposits, with the testimony of the sales people and bank tellers, would corroborate the testimony of the drug pusher. Statements from these people that Doe paid for these items in $50 denominations would further corroborate the pusher's testimony. Although these acts by Doe are legal, they are circumstantial evidence in proving conspiracy. Hence, investigators on a conspiracy case should look at all acts in Doe's life, not just his illegal life, to show that these acts could not have happened without the conspiracy.

In gathering this circumstantial evidence, the investigator tries to isolate pertinent activity of members in the conspiracy. For example, if police have reason to believe that a conspiracy meeting took place at a given location at a particular time, there are going to be airline, hotel, and rental car receipts to prove that the meeting

took place. There will be toll call receipts showing that the individuals involved telephoned each other. The following is a list of the types of corroborative evidence that could be collected.

| | |
|---|---|
| Hotel records | Photos of co-conspirators |
| Telephone call records | All prior arrests |
| Passport entries | Events before/after conspiracy |
| Local police records | Diaries |
| Car/boat rental agreements | Records of purchases |

As a further example, a case report might state that John Doe went from Chicago to Los Angeles to make a purchase of heroin over a three-day period. The trip to Los Angeles by air, the rental of a car in that city, the stay at a hotel, and the contact with the heroin dealer would all be activities that would be considered overt acts. Subsequently, the investigator would focus on each act and attempt to corroborate it. He would check with airlines and credit card companies; attempt to verify a car rental with the rental agency; verify the suspect's stay at a hotel; attempt to determine which telephone numbers were called by the suspect during his stay. Copies of receipts and bills would be collected. While all this information does not directly prove a heroin purchase, it is circumstantial evidence which is admissible in a conspiracy case. In essence, the investigator is trying to show that without the conspiracy to purchase heroin, the trip, car rental, the three-day stay at the hotel, and other activity while in Los Angeles do not make sense.

## WITNESSES

While circumstantial evidence is very important, a live witness, someone who was involved in the conspiracy, can add substance to the case. Although it is important that the witness be believable to the jury, even someone who has had six or seven felony arrests, although not ideal, would still be suitable. Moreover, the importance of other corroborating witnesses should not be minimized. Hotel clerks, ticket agents, bank tellers and the like, also "breathe life" into the case since they can offer live testimony and, because of their occupations, they are very believable.

There is a certain amount of work that must be accomplished before the investigator begins debriefing a witness who was a participant in the conspiracy. First, the investigator should familiarize himself with the conspiracy as much as possible. This includes the scope of the conspiracy, the conspirators and their associates, and as many of the events and activities of the conspiracy group as he can. It is important that he be able to determine whether a witness is lying, holding back information, or lacking information on the case. Second, he must evaluate the witness--his personality, his state of mind, and his role in the conspiracy.

The investigator should be clear on the legal status of the witness. Has he been arrested? If so, by whom and for what? In order to have this witness cooperate on the conspiracy case, the investigator, the witness, the prosecutor, and a defense counsel for the witness should get together and discuss guidelines under which the witness will cooperate. This will prevent a misunderstanding later, or subsequent charges by the witness that the prosecutor's office or the investigators failed to fulfill any conditions.

There should be two types of debriefing sessions held with a witness. The first are general sessions where case investigators elicit general information about the conspiracy and its operation. The second type sessions are those where specific,

detailed information is sought from the witness. There should be a lapse of time between the general and specific sessions, during which the investigator will have to verify that information given during a general session is accurate.

Under Title 18-3500 of the federal statutes, every document, statement or note relating to the testimony of a witness must be turned over to the defense counsel upon a motion of discovery after the testimony is given in trial by the witness. This means that every piece of paper, all case and personal notes, minutes of grand jury testimony, plea trials, tape recordings under Title III, or recorded statements which pertain to the witness's testimony must be turned in. Basically, by obtaining Title 18-3500 material, the defense attorney is looking for information favorable to the defendant and information that will help him prepare for the cross-examination of the witness. In sum, when interviewing a witness the investigator should take extreme care in taking notes. He should be organized in his notetaking, and he should minimize the amount of notes taken.

Title 18-3500 does not apply to the states. However, a recent Supreme Court case, Brady v. Maryland, does apply. In Brady, the Court ruled that police officers have to turn over to the defense attorney that material that may tend to establish the innocence of the defendant. Investigators should contact their state's attorney's office when they encounter such information or material.

A conspiracy case itself is usually initiated when an accomplice to a conspiracy starts cooperating, or "turns" or "rolls." An important thing to bear in mind is that an informant will at first "roll" only part way. The investigator must work with him until he turns over 100 percent of the information he has. To ensure that the conspirator-turned-informant is giving all his information, the agent must constantly go out and corroborate portions of the story as they are revealed. The same investigators should participate in all the debriefing sessions of a particular witness. If these same officers are not available, the debriefing session should be postponed. The reason for this is that every time the witness is interviewed someone who has talked to him before can evaluate the new information for consistency and accuracy. When a new investigator debriefs the witness, the witness may be reluctant to tell everything he knows.

A statement taken from a witness can be recorded in a case report narrative or as a formal statement. The latter is the better form since it ties the witness down to specific statements. If possible, tape recorders should be avoided in taking notes or statements unless the suspect cannot read or write. If possible, the prosecutor should be kept away from the debriefing since his involvement at this point might make him vulnerable to being called as a defense witness.

## PROSECUTION

After preliminary investigations have been conducted to corroborate witness testimony and the elements of a conspiracy have been identified, the investigator should take the case report and the witness to the prosecutor. The prosecutor can then evaluate the case file and the witness to determine if the case can be taken to trial. The investigator then undertakes whatever further investigation and documentation is necessary to prepare the case for prosecution.

Each individual in the conspiracy should be identified and given a numerical or similarly coded identification to facilitate graphic demonstration of his involvement in the conspiracy. The relationships of participants should be shown on a flow chart or link chart. This will make the members, the association, and the hierarchy easily discernible to the case investigators, the prosecutors, and eventually to the jury.

Although the need for cooperation and coordination between case investigators and the prosecutor's office can be said to exist in all cases, these factors are even more important in cases involving conspiracies. Because of the nature of these types of cases, the prosecutor and case investigators must start working together at the early stages of the case. The investigators must fully understand what is needed for a sound conspiracy prosecution. They must furnish weekly summaries regarding the on-going investigation to the prosecuting attorneys, who will, in turn, evaluate the case and direct the investigators toward those areas that they feel require more information and investigation. Additionally, since conspiracy cases necessitate strong and energetic prosecution, the investigator must ensure that the prosecutor is constantly kept abreast of the case so that case momentum at the prosecutorial level is not lost.

Because of court stipulations that a suspect must have a speedy trial, the case investigator must have a case fully developed before arresting the suspect. At the time of presentation to the grand jury for indictment, the case should be ready for regular trial. A case should not be presented to the grand jury with the thought that needed work can be handled between arrest and the trial date.

Whenever possible, local and state enforcement agencies should seek to have conspiracy cases tried in federal courts. There are several advantages in utilizing federal prosecution of conspiracy.

- Federal laws dealing with conspiracy are very good tools to use in such a case. For example, it has been mentioned that no corroboration of an accomplice/witness is necessary, and hearsay is admissible.

- Cases on big traffickers can be made solely on conspiracy without having to make undercover buys.

- There are very liberal joiner rules, allowing prosecutors to unite several distinct charges of crime in the same indictment or prosecution.

- The rules of evidence are, similarly, very liberal. For instance, the prosecution can introduce previous narcotics arrests as evidence of the defendant's knowledge of illegal conspiracy.

- The selection of juries is typically better in a federal court.

- Federal authorities have better resources for prosecuting the case and guarding witnesses.

Conspiracy cases provide the narcotics investigator with a powerful and effective tool with which to pursue the narcotics trafficker. The investigator, however, should recognize some of the aspects of conspiracy cases that pose some degree of difficulty to the investigator. Narcotics supervisors may be oriented toward gauging case results not only by the number of arrests, but also by the amount of narcotics seized. The public and narcotics enforcement people are accustomed to reading about large narcotics seizures ranging into the millions of dollars in street-price value. It may be disconcerting to some to contrast such dramatic seizures with cases where no narcotics were seized and only two or three traffickers were convicted. Conspiracy cases also tend to move slowly and involve long-term investigations. They are often part-time investigations, and sometimes they become disjointed. The narcotics investigator working these types of cases should be aware of these problems so that he does not become disillusioned. The narcotics commander, on the other hand, should select individuals who have appropriate temperament and capabilities to work on conspiracy cases.

CHAPTER FIFTEEN

# OPIUM AND OPIUM DERIVATIVES

Opium derivatives refer to those natural occurring alkaloids found in opium, which is a natural product derived from the opium poppy, Papaver somniferum, L. Opiates, on the other hand, are purely synthetic drugs (coal tar or petroleum derivatives) that possess addictive liabilities similar to morphine and other narcotic drugs. Powdered opium contains over 35 alkaloids, which constitute about 25 percent by weight of the opium. Morphine, codeine, thebaine, papaverine, noscapine and narceine are the most important. The remaining alkaloids occur only in trace quantities in combination with meconic acid.

Based on their chemical configuration, the opium alkaloids fall into two distinct classes; namely, the phenanthrene group and the benzylisoquinoline group. Alkaloids is the former group are highly addictive and under full control both nationally and internationally. Alkaloids of the latter group possess no addictive liabilities nor can they be readily converted to addictive substances. They are not subject to national or incernational controls. The following is a list of alkaloids found in opium:

| I<br>PHENANTHRENE | II<br>BENZYLISOQUINOLINES | III<br>OTHERS |
|---|---|---|
| Apocodeine | Codamine | The Corydalis |
| Apomorphine | Cotarnine | |
| Codeine | Cryptopine | |
| Codeinones | Gnoscopine | |
| Desoxycodeines | Hydrocotarmine | |
| Hydroxycodeinones | Lanthopine | |
| Methylmorphimethines | Laudanidine (l-Laudanine) | |
| Morphine | Laudanise | |
| Morphinols | Laudanosine | |
| Morphol | Meconidine | |
| Morphothebaine | Narceine | |
| Neopine | Noscapine (Narcotine) | |
| Phenyldihydrothebaine | Oxycarcotine | |
| Pseudomorphine | Papavermine | |
| Pseudothebaine | Papaverine | |
| Thebaine | Protopine | |
| Thebainone | Rhoeadine | |
| Thicodides | Tarconine | |
| | Tritopine | |
| | Zanthaline (Papaveraldine) | |

HEROIN

Heroin, or Diacetylmorphine, is probably the most potent available derivative of morphine. Etorphine, which is derived from thebaine, is said to be one to four thousand times the potency of morphine, but its high level of toxicity precludes its use in illicit traffic.

Pure heroin is a tasteless white powder. Illicit heroin may vary in color from white to dark brown because of impurities left from the manufacturing process or the presence of diluents and adulterants such as food coloring, cocoa, or sugar. Heroin is sold in various containers, such as glassene stamp and coin envelopes, foil packets, small balloons, capsules, and folded paper decks. Heroin from Mexico or Indochina may be brown while European heroin is usually white. It is the adulterants that give heroin its taste or smell and color. For instance, the extraneous acetyl groups impart a vinegar odor to Mexican heroin.

Pure heroin is rarely sold on the street. A single dosage unit of heroin may weigh about 100 mg, usually containing somewhere between two to ten percent of heroin, but usually averaging about five percent. To increase the bulk of the material sold to the addict, diluents are mixed with the heroin in ratios ranging from nine to one to as much as ninety-nine to one. Sugar, powdered milk, and quinine are among the diluents used. A bag of heroin may be sold to users for $2 to $10, although, obviously, prices and typical weight of the dosage will vary from region to region.

Heroin is the most widely abused narcotic because its onset of action is very rapid and produces intense euphoria. Tolerance develops rapidly, requiring increasingly larger quantities to satisfy the user's cravings. Strong physical and psychic dependence also quickly develop. Users may begin by sniffing heroin, and gradually progress to injecting it under the top layer of the skin with a syringe in order to get a quicker, more intense reaction. This practice, known as "skin popping," leads eventually to intravenous injection or "mainlining."

When heroin is mainlined, the initial feeling is one of intense exhilaration and a tingling sensation, known as a "rush." The first emotional reaction is an easing of tension and relief from fears or anxiety. When the initial elation wears off, the user begins to "nod out," as his sense perceptions become dim. The drug produces a pleasant, tranquil state of lethargy and drowsiness which lasts for several hours.

Most diacetylmorphine produced today comes from clandestine sources, being made in so-called kitchen laboratories. The base material, opium, is produced illegally or diverted from legitimate stocks in countries which permit its harvest. The semi-purified morphine alkaloid is extracted and converted to diacetylmorphine. Generally, the operators of these clandestine laboratories are not skilled chemists and often are injured by fire or explosion or are poisoned by benzene fumes. However, some knowledgeable operators succeed in producing diacetylmorphine of high purity.

An acceptable grade of opium contains between nine percent and fourteen percent anhydrous morphine. Based on an average of ten percent, one kilogram (1,000 grams) of opium yields 100 grams of morphine. Therefore, ten kilograms of opium will yield one kilogram of pure morphine base which in turn will yield, theoretically, 1.22 kilograms of pure heroin discounting any losses which might occur during the chemical transformations. While it is possible to obtain a theoretical yield of 100 percent, legitimate laboratories obtain, at best, a maximum yield of 98.5 percent. The clandestine operator may generally average between 75 percent and 85 percent yield. Usually, the heroin produced by the latter contains by-products resulting from the incomplete chemical reactions. Extraneous "acetyl groupings" also emit a very pungent odor similar to vinegar.

Due to its addictive liabilities in small doses, heroin is conducive to dilutions with other components. The peddler dilutes his supply with lactose, mannose or mannitol, then adds adulterants such as quinine, procaine, acetophenetidin or caffeine to enhance the bitter taste of the mixture and conceal the lack of real heroin. Other adulterants may include barbiturates, methadone or amphetamines. Some traffickers also add food coloring to their heroin as an identifying trademark. It frequently reaches the final user containing no more than five percent of actual diacetylmorphine, but the quantitative determination of heroin in a seizure does not affect criminal liability.

While the quantitative determination of heroin in a seizure does not affect criminal liability, this data is usually desired by narcotics enforcement officers. The quantitative determination of various diluents, adulterants, and impurities that may be present supplies information as to the possible illicit source. These contaminants are used in tracing possible connections between street sellers, wholesalers and manufacturers.

In recent years, the vast majority of illicit heroin in this country has been imported from Mexico. Typically, the heroin that narcotic enforcement officers are encountering is Mexican brown heroin. This native opium is cultivated in the wild mountain areas of northwest Mexico close to clandestine conversion laboratories. Mexican sources of supply have usually been non-syndicated, since the organizational ability, established communication lines, ingenuity, and hard work necessary for the success of the European trafficker have not historically been required along the Mexican border. It was, and still is true, that anyone with greed and an automobile can drive to Mexico, obtain drugs, and return to the United States as a dealer.

Beyond that which originates in Turkey and Mexico, a certain percentage of opium is also cultivated in the Far East. A considerable amount of opium is illegally produced in Thailand, Burma and Laos by hill tribes in the area known as the Golden Triangle. There is also evidence that opium is cultivated in Communist China. However, the amount of narcotics from Far Eastern sources is thought to be a very small part of the total sold in the United States. During 1976, less than ten percent of the heroin seized in the United States originated in Southeast Asia. However, heroin that did come from this area was of high purity.

Although the problem of heroin remains serious, the rate of heroin seizures in this country has leveled off over the last several years. There was also some decline in availability of heroin during the latter half of 1976. The purity of heroin is an indicator used to measure the availability of this narcotic. During 1976, the average purity of heroin seized in the United States decreased by about one-half of a percent, from 6.6 to 6.1 percent. By 1977, the purity level decreased to five percent, the lowest in seven years.* This suggests a decrease in availability of approximately ten percent. Credit for this should primarily be given to narcotics enforcement efforts in this country, and the opium poppy eradication program being jointly carried out by the Mexican government and the Drug Enforcement Administration.*

Heroin is one of the most potent analgesics of the morphine derivatives. The undesirable side effects such as nausea, vomiting, and constipation, which are produced by morphine, usually do not occur with heroin. Since it acts very quickly, its side effects are minimal and it produces a high degree of euphoria, thus making it the drug of choice among addicts. Heroin addicts are difficult to treat and show a high incidence of relapse after apparent cure.

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*Drug Enforcement Administration, Drug Enforcement (Dec., 1977), U.S. Department of Justice, Washington, D.C.

Indicators of Heroin Use. Because the narcotic investigator frequently comes into contact with heroin users, he should be well versed in the physical symptoms that accompany use and addiction. At first contact, only one symptom such as sniffling or abnormal tearing may call attention to the user. The investigator should then watch for additional symptoms, such as dilated pupils, intermittent appearance of goose flesh, deep breathing and extreme restlessness.

When examining the pupils of the eyes, the investigator should remember that pupil sizes vary in individuals. The pupils should be exposed directly to light and studied carefully. The user should then be told to close his eyes. After the eyes are closed, time is allowed for adjustment. Upon opening the eyes directly into the source of light, a user's pupils will first be dilated, will then contract, again dilate, and remain dilated. This reaction will occur sometime after 24 hours from the last injection. Prior to that time, there may be noticeable pulsation in that the pupil will tend to dilate and contract repeatedly.

The examination should also cover the usual areas where injections are made: arms, hands, lower extremities, calves, thighs, and groin. The lack of injection marks on the arms, when accompanied by conspicuous withdrawal symptoms, necessitates an examination of other body areas. The marks may appear in a continuous line of scar tissue over a vein called a "track." Repeated injections result in hard raised tissue or a prominent pink swelling. The user may also alternate injections from one arm to the other in different places from bicep to wrists to avoid obvious scar tissue.

Scabbing is the result of using non-sterile or dull equipment and the lack of an antiseptic on the skin before and after injection. Generally, the scab will appear within two days and remain approximately ten to fourteen days, depending upon the cleanliness of the user. The fresh scab is small, usually slightly smaller than the head of a common pin, round in shape and in the center of raised pink tissue approximately the same diameter. It will be similar to a pimple in appearance. A clumsily used hypodermic needle will leave a mark in the center of raised tissue frequently accompanied by black and blue discoloration in the surrounding area. Occasionally, a scab will have an elongated appearance. This is the result of using a dull, bent or barbed hypodermic needle or injecting at an angle.

The age of a scab is determined both by its color and the appearance of the tissue around the perimeter. A fresh scab is a light pinkish red and the surrounding tissue, if raised, will be pronounced during the first and second day following the injection. The third and fourth day the coloring of the scab is more orange and the swelling has subsided considerably or may have vanished. As a scab ages, it will darken in color. At three to four days it will be orange; four to six days a light brown; seven to nine days brown and slightly raised from the skin; ten to fourteen days a dark brown, raised from the tissue around its perimeter, and flaking of white dead tissue may be seen. There are times when several scabs will appear to be the same age. Two conclusions may be drawn. The user may be making several daily injections, or the user missed the vein on several attempts before he finally succeeded.

A different type is the user who repeatedly injects in the same puncture, which in time develops a large scab and raised hard scar tissue, usually round in shape and called a "corn." Generally, there are one, two, or three such marks. Extent of use and time of most recent injection can be estimated by the color of the scab and appearance of the surrounding tissue, whether it is hard or soft, pink or dark.

Addiction. It has been demonstrated that anyone can become addicted if he takes opiates regularly for a few weeks. Even animals can become addicted. However, certain kinds of people are more likely to become involved with heroin than others under similar life situations. Certain individuals have a low frustration tolerance and great dependence needs. Impulsive, immature individuals are likely candidates. Many are "now" oriented, seeking the immediate "high" without regard to future consequences.

Some have a character disorder that permits deviant behavior without guilt feelings. Should a reasonably mature, stable person become addicted, the prospects of his rehabilitation are much better than those of the immature, unstable addictive personality.

Some recent studies of heroin and other narcotics indicate that drug use is taught to others by drug users. They may be close friends; they may work or go to school together; they may participate in a team or other group activity together; they may be members of the same family. This community of interest provides the opportunity for a nonuser to learn about narcotics from someone he trusts. Initial fear of the drug is more easily overcome, and the appeal of the experience is made credible. Heroin users are typically "infectious" for only a relatively short time. The first year or so of heroin use is when the habit is most likely to be spread from the user to a nonuser. The explanation for this short period of infectiousness is that it occurs before the new user becomes totally addicted, and while he is still in touch with his usual social group. After becoming a confirmed addict, his entire life pattern changes. He usually drops out of school, quits work, no longer sees his usual friends, and spends most of his time satisfying his addiction. Once in this mode of life, he acquires new associates who tend to be like himself, and old associates are no longer exposed.

The negative effects of heroin addiction are numerous, both in its direct and indirect impact on the body and in the subsequent harm done to society. Although it was formerly felt that there were no direct harmful physical effects on the body, research has produced evidence to indicate that liver damage may result from excessive heroin use. In addition, heroin reduces hunger and thirst, often resulting in severe dehydration and/or malnutrition. Heroin, through its action on the central nervous system, depresses the activity of the adrenal and sex glands, diminishing the secretion of hormones and decreasing the activity of the reproductive system as a whole. Addiction leads to a reduction or elimination of sexual interest and activity. Males become impotent, and females cease to menstruate. Thus, the concept of the heroin addict as a "sex fiend" is entirely incorrect. Under the influence of heroin, an individual is usually passive and withdrawn, and he resorts to criminal behavior only when he needs money to support his habit.

Sometimes the heroin that he purchases has been "cut" so many times that the addict really is satisfying only his "needle habit" rather than a heroin habit. A "needle habit" is one in which the user satisfies his needs through the necessary "hustling" for narcotics, and then by injecting himself with a material, even though it contains little or no heroin, to achieve a psychological reaction.

Withdrawal. Addicts often cite fear of withdrawal symptoms as a reason for continuing usage, but this is probably not the sole reason. The pleasant sensations which the drug provides are enjoyable, and afford them some escape from the unpleasantness of their "real world." Narcotics are as psychologically addicting as they are physically, and the two types of dependence work together to reinforce the hold that the drug has on the user.

Withdrawal symptoms or the abstinence syndrome, a term more often used by the medical profession, varies in intensity depending on the amount of narcotic used. Doctors Himmelsbach and Small conducted extensive research into opiate addiction and withdrawal symptoms at the United States Government Hospital at Lexington, Kentucky. The doctors described and categorized withdrawal symptoms as follows:

| MILD | MODERATE | MARKED | SEVERE |
|---|---|---|---|
| (When only these signs are present) | (When these signs are added) | (When these signs are added) | (When these signs are added) |
| Yawning | Loss of appetite | Deep breathing | Vomiting |
| Eyes water | Dilated pupils | Fever | Diarrhea |
| Nose runs | Tremor | Insomnia | Weight loss |
| Sneezing | Goose flesh | Restlessness | Convulsions |
| Perspiration | | Rise in blood pressure | |

Heroin withdrawal symptoms reach their peak of severity at 24 to 36 hours following termination of drug use, then begin to decline and mainly cease by 72 hours. Dramatic signs are over in seven to ten days. Symptoms like insomnia, "nervousness" and irritability may continue for anywhere from several months to a year. Many ex-addicts also describe a periodic craving for narcotics which may persist for ten to twenty years. It is this continued craving for narcotics--the abstinence syndrome--that makes addiction so difficult to treat over a long period of time.

Non-narcotic treatment of acute withdrawal can be accomplished by systematically treating each symptom with non-narcotic medications (e.g., belladonna alkaloids for nasal discharge, nausea, vomiting, diarrhea, and stomach cramps; mild hypnotics and sedative-hypnotics for nervousness and insomnia; and non-narcotic analgesics for bone and muscle aches). During the withdrawal period, access to psychological counseling and peer support are helpful.

Treatment. The dictum, "Once an addict, always an addict" may or may not be true. Although many treatment procedures are available for the heroin user, rehabilitation centers experience high recidivism rates. Some addicts have benefitted from methadone programs. A methadone program consists of the substitution of methadone, a narcotic, for heroin. If the patient on methadone takes heroin, he will notice no euphoric effect from it because of cross-tolerance. Another approach uses cyclazocine, which is a narcotic antagonist, though not a narcotic. If heroin is taken after cyclazocine, no effect is noted.

Taking the addict off heroin is not too difficult. Keeping him off is very difficult. He usually needs counseling, job training, and other rehabilitative efforts. The federal government and some states have civil commitment and voluntary rehabilitation programs. Many more narcotics addict rehabilitation centers are coming into existence at the community level. At these centers, the addict seeking help can be given rehabilitation assistance.

Historically, diacetylmorphine, or heroin, was first prepared and described by two English chemists, C.H. Beckett and C.P. Alder Wright in 1875. Eight years later in 1883, a German chemist, O. Hesse, also prepared the compound by heating morphine with acetic acid. Diacetylmorphine was first placed on the market by the Friedrich Bayer and Company of Elberfeld, Germany in 1889. One of its employees, H. Dresser, named the compound "Heroin." Dr. Dresser is generally credited with introducing the drug to the medical profession. There is no definite information available on the origin of the trade name "Heroin," but it was probably coined by Dr. Dresser because its small but effective dose placed it in the class of so called "heroic remedies," i.e., powerful remedies effective in small doses. The German word, "heroisch" means heroic, dynamic or powerful.

Ironically, heroin was first introduced by the Bayer Company as a cure for opium and morphine addiction, and it was claimed to be non-addictive. Some clinicians did warn the medical profession about the dangers of chronic heroin addiction, but the

profession was not receptive to these warnings. By 1910 there were between 500,000 and 1,000,000 heroin addicts in the United States. With the passage of the Harrison Act in 1914, which restricted heroin manufacture and distribution, it became a choice commodity in the illicit narcotics market.

It was not until 1924, when Congress amended the Narcotic Drugs Import and Export Act, that importation of opium for the manufacture of diacetylmorphine was prohibited. No authorized domestic manufacture of the drug has taken place since that time. However, small quantities of the drug, produced before 1924, had remained in the channels of trade, and its medical use was not prohibited until July 19, 1956. Public Law 728 then required all stocks of the drug to be surrendered to the federal government on or before November 19, 1956. Since that time, heroin possession is unlawful, and the drug is subject to confiscation. Soon thereafter, production of diacetylmorphine was outlawed in many countries. Today, only two countries authorize its legitimate production; namely, the United Kingdom and Belgium.

## OTHER OPIUM DERIVATIVES

A number of other opium derivatives, in addition to heroin, also find their way occasionally into illicit narcotics traffic. A brief description of some of these substances follows.

Morphine is the most important alkaloid of opium from both the licit and illicit standpoint. It is the principal phenanthrene alkaloid of opium, constituting ten percent to fifteen percent of its weight. By the addition or substitution of various peripheral groups such as the ethers (R-O-R), ketones (R-CH-O), esters (R-C-OR), etc. on selected positions of the morphine molecule, many other narcotic drugs can be obtained. The list of such derivatives will be found in the monograph entitled "Narcotics and Other Substances Subject to the Controlled Substances Act of 1970," dated January, 1974.

Codeine, or methylated morphine, has long been the drug of choice among physicians as an ideal antitussive and analgesic. There is no synthetic drug currently available that possesses both the analgesic and antitussive properties of codeine. Addiction to codeine is rare, nor do codeine preparations contribute substantially to any public health hazards. Ninety-five percent of the morphine produced in the United States is converted into codeine. The empirical configuration of the codeine molecule makes it unique among the opium derivatives. The slight narcotic activities exhibited by codeine are not enhaced by increased dosage.

Dilaudid, or dihydromorphinone, is another semi-synthetic derivative of morphine. First developed in Europe, it was touted to be an addiction-free substitute for morphine. However, it proved to be four times as potent as morphine although the duration of action was less. Many heroin addicts will seek dilaudid when their source of heroin dries up. Dilaudid results from the rearrangement of morphine under the action of catalysts (platinum or palladium) in the presence of hydrogen. This reduction process is highly explosive, and some clandestine operators have been known to blow themselves up while attempting to produce dihydromorphinone.

Oxycodone is another drug introduced as a substitute for morphine. It is derived from the phenanthrene alkaloid, thebaine. As with morphine, both tolerance and addiction occur with this drug, and quite often it will be used by the addict as a "hold over" drug. The drug is marketed under the trade names "Percodan" and "Percodan-Demi" (Endo Laboratories).

Oxymorphone is a potent derivative of oxycodone possessing twice the analgesic and addicting properties of its parent. It is marketed by Endo Laboratories under the

trade name "Numorphan." Because of its increasing misuse, the company no longer produces injectable forms, and the tablet or oral forms have not achieved much acceptance among physicians.

METHADONE

Methadone was developed in Germany during World War II as a substitute for morphine. Methadone's side effects may include lightheadedness, dizziness, drowsiness, sweating, constipation, nausea, vomiting and constricted pupils. Methadone abuse will produce very little euphoria in a pain free individual. Long term use produces tolerance, and physical addiction. Withdrawal symptoms occur when the drug is discontinued. In fact, the behavior of the methadone addict is remarkably similar to that of the morphine or heroin addict.

Methadone may be given orally or by injection. In methadone maintenance programs, however, it is only administered orally, usually dissolved in a cup of orange juice substitute. Although methadone's chemical structure is different from morphine derivatives, the pharmacological effects are similar. Therefore, it may be substituted for morphine, or heroin, to forestall the onset of withdrawal symptoms.

In the methadone maintenance program, the drug is usually given in amounts equal to the narcotic used (or in gradually increased quantities until the addict's craving for the drug is satisfied) until stabilization is accomplished and the necessary maintenance level is found. Unlike morphine and heroin, methadone has an extremely long half-life in the human body. Instead of requiring an injection of heroin every four to six hours, an addict can satisfy his cravings for a much longer period through oral methadone, which lasts within the body for 24 to 36 hours. Stabilization is usually accomplished in four to five weeks.

Once the addict has been stabilized, he can be released from the concentrated medical supervision which withdrawal requires. He can then be treated in a clinic setting, receiving supportive help in the form of counseling and other psychotherapy. The concept of supportive help is an important factor in the methadone maintenance program first conceived by Dr. Vincent Dole and his wife, Dr. Marie Nyswander, of the Rockefeller Institute. Believing that drug addiction should be considered a disease requiring continuous medication, Dole and Nyswander advocate a maintenance plan which involves daily doses of the required amount of methadone along with intense support and extensive rehabilitation efforts. Professional and peer group counseling should be provided, along with vocational rehabilitation and employment referrals.

The goal of such a program is to allow the addict to function as a responsible member of society while overcoming his drug needs. The basic concept is commendable, although some critics see it simply as a substitution measure rather than a cure, since methadone support cannot easily be discontinued.

A person regularly taking methadone would need to inject a very large amount of heroin to receive any euphoric effects. As long as the addict receives the daily maintenance level dose, he will not suffer withdrawal symptoms. Also, the addict should not exhibit marked objective symptoms of being under the influence of a narcotic. After a period of time, the patient is permitted to take home doses of methadone so that he need not visit the clinic daily. A container capable of being locked is provided to the patient for the purpose of transporting the methadone home.

Participants in the major methadone programs are issued an identification card. Any methadone dispensed for home use is clearly labeled with the patient's name and other pertinent information. When any police officer finds a person with methadone apparently obtained from a maintenance program, he should first verify that the suspect has a valid identification indicating his participation in a methadone program. He

should then determine if the methadone is the type and amount issued by the concerned program. He should also make sure that the methadone is in a proper container and labeled correctly. Finally, he should determine if the time and the suspect's location are consistent with the location and business hours of the concerned methadone program. If preliminary investigation reveals any discrepancy, the suspect should be detained for further investigation.

Investigators can verify a suspect's participation in a maintenance program by contacting the concerned agency. Verification of a patient's enrollment in a program is the only information which will be released by methadone clinics. Officers should not interpret this as a lack of cooperation, as many maintenance programs are prevented by law from divulging patient records.

In addition to the orange liquid dispensed to patients in legitimate programs, methadone may also be encountered as a tablet or powder. Tablets and powder are never prescribed for home dosage. Methadone tablets or powder encountered on the street indicate a probable violation. One common methadone tablet is pink, square shaped with rounded corners, and is double scored.

Occasionally, an officer may encounter someone who exhibits symptoms of opiate abuse but claims to be on a methadone program. A person on a legitimate methadone maintenance program may have constricted pupils. He should not, however, show other objective symptoms, such as puncture wounds, sleepiness, yawning, sweating, euphoria, etc. A suspect on the "nod" or displaying other symptoms of opiate use should be taken to the police station for an examination by a narcotics expert.

In some cities, notably Washington, D.C. and New York City, the number of methadone overdose deaths nearly equals the number of heroin overdose deaths. As a methadone program expands in a particular city, it is quite possible that the city will see an increase in illicit methadone and an increased number of methadone overdose deaths.

## OPIUM AND OPIUM DERIVATIVE FIELD TEST

When a substance is suspected of being heroin or another opium derivative, the investigator should use the Marquis Test (a combination of sulfuric acid and formaldehyde) for identification, recognizing that:

- The field tests are qualitative and not quantitative in nature.
- Field tests are only precursory and presumptive.
- Field tests cannot be used as evidence in court. Only a chemist's testimony as to his analysis is valid as evidence.
- A negative test does not necessarily preclude the presence of a controlled substance nor does a positive test guarantee it.

In utilizing the Marquis Test, the investigator should carefully break the vial to prevent having a piece of glass fly into someone's eyes. The tester should use a paper clip, dipping it first into the sample of the suspected narcotic and then dipping it into the Marquis vial. A purple or violet color will indicate the presence of an opium derivative. When a positive test is obtained in the Marquis Test, the nitric acid test should be used to identify the specific derivative.

Again using a paper clip, the tester places a small quantity of the sample in the nitric acid. The investigator can expect one of the following color reactions:

- Heroin--Yellow Turning to Green on Standing
- Dilaudid--Orange-Red Color Formed Immediately
- Morphine--Orange-Red Color Quickly Fading to Yellow

In the chemical test for methadone, the officer may use the so-called "cocaine reagent" (1 gram of cobalt acetate, nitrate, or chloride and 1.5 grams of potassium thiocyanate in 90 ml of water and 10 ml of glacial acetic acid). The sample is dissolved in a minimum amount of water and filtered if possible. Two to three drops of the reagent is then added and shaken for about one minute. A blue precipitate will indicate the presence of methadone.

Narcotics traffickers use a field test called the Melting Point Test. Although this test is fairly complex, it does provide an indication of the purity of the heroin. The tester takes an Erlenmeyer's flask, which is a small flat-bottomed, glass flask used for heating chemicals, and fills it halfway with heavy mineral oil. The tester uses a two-holed stopper for the flask. One hole is used as an exhaust, while a chemical thermometer is placed through the other hole. The tester fills a three-inch-long glass capillary tube, having a diameter approximately that of a pencil lead, with heroin. The tube is then heat-sealed and placed in water to ensure that it is completely airtight. The tube is then fastened to the bottom end of the thermometer. The bottom end of the capillary tube should not extend past the end of the thermometer. Also, when the stopper is subsequently placed on the flask, the thermometer and attached capillary tube must be close to the bottom of the flask, but not touching. The mineral oil is then heated. The tube containing the heroin is watched closely. The first sign of the disintegration of the heroin is that it will turn yellow. Immediately thereafter it will dissolve completely. The tester notes the temperature at which this occurs. Pure heroin will reach melting point at approximately 245°F. When the substance melts at lower temperatures, he divides the temperature by 2.5 and this will give him an approximation of the purity of the heroin. For example, a temperature of 220°F would indicate approximately 90 percent purity. This is valid only for heroin which is about 60 percent in purity. Below that level the melting point is more a function of the adulterants than of the heroin.

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CHAPTER SIXTEEN

# COCAINE*

Cocaine is a powerful stimulant contained in the leaf of the coca plant, which is cultivated chiefly in South America and also grown in Taiwan, Java, India, and parts of Africa. The effects of coca were first reported to Europeans by the Spanish conquistadors who observed the inhabitants of the Andes Mountains chewing the leaf of the coca plant. In the latter part of the 19th Century, cocaine was isolated from the coca leaf. Shortly after, its anesthetizing effect on mucous membranes was discovered. Although it has been replaced to a great degree by synthetic drugs, cocaine is still used medicinally as a local anesthetic.

For a long time, the illicit use of cocaine was not considered to be a very serious problem in the United States. European countries have traditionally experienced a higher rate of use, while the quasi-medical consumption of coca has been a problem for centuries in South America. In recent years, the United States has experienced a rise in the illicit use of cocaine. For example, in 1963, seizures of cocaine by federal agents amounted to 24 kilograms; whereas, in 1973 they seized 615 kilograms, and in 1977, 1008 kilograms were seized. This substantial increase is indicative of an ever-growing clandestine market.

## ADMINISTRATION AND USE

Cocaine is generally inhaled through the nostrils where it is absorbed by the mucous membrane. The typical cocaine user will place a small quantity of cocaine hydrochloride in a spoon, hold it close to the nostril and inhale or sniff. The "coke" is then absorbed almost immediately into the bloodstream through the tiny capillaries of the nasal membrane. The user may also hold a pinch of "coke" between thumb and forefinger and sniff, or place the drug on a piece of paper or tinfoil. Cocaine is also taken orally in solution, and it is absorbed from the small intestine. A heavy user may "snort" or "sniff" five to ten grams a day.

When sniffing or oral ingestion of cocaine is insufficient to satisfy the user, he resorts to intravenous injections. By administering the drug directly into the bloodstream, the onset of reaction is much quicker and more pronounced. However, it is also short-lived, and sometimes injections are repeated every few minutes in an effort to recapture the sensation. Injections are very dangerous because of the acute toxicity of cocaine. A lethal dose for the average adult is considered to be 1.3 grams/75 kilograms (approximately 18 milligrams to 1 kilogram body weight). Therefore, the

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*Material in this chapter is based on:

Drug Enforcement Administration, Coca and Cocaine (1976), prepared by Agent John T. Maher, Washington, D.C.

International Association of Chiefs of Police, Training Key #81 "Narcotics," Gaithersburg, Md.

Richard R. Lingeman, Drugs from A to Z (1969), McGraw-Hill Book Company, N.Y.

abuser often injects it along with its antidote, morphine, which antagonizes the toxic manifestations of cocaine by asserting a depressing effect. Moreover, because of the slower onset of action, morphine does not interfere with the immediate "rush" of the cocaine.

In legitimate medical practice, cocaine is used as a local anesthetic in surgical procedures involving the eye, nose and throat. It has been used occasionally as a vasoconstrictor in relieving congestion, such as hay fever or laryngitis, and to abort hemorrhages from the nose and throat. Cocaine hydrochloride, when used, is applied topically on the mucous membranes in two to five percent aqueous solution. For nasal anesthesia, ten to twenty percent solutions are used. By mouth 15 to 30 milligrams is given. Maximum safe dose is about 100 milligrams.

Although cocaine is used both as a systemic and as a local remedy, because of its toxicity, its use as a systemic drug is not always advisable. Its secondary action as a depressant also somewhat restricts its use. Basically, cocaine acts on the peripheral nerve endings, releasing a chemical called norepinephrine, which causes the blood pressure to rise and the heartbeat to increase. Cocaine causes an increase in body temperature by stimulating muscle actions, thus releasing heat. Its vasoconstricting properties diminish the size of the stylus of blood vessels, thus causing a sharp rise in blood pressure and causing the heart to beat faster. The drug does not cause euphoria, and the body does not develop a tolerance to it. Moreover, physiological addiction to cocaine is unknown.

## ILLICIT COCAINE

Illicit cocaine may be virtually 100 percent pure when smuggled into this country, yet it is seldom over 15 to 18 percent pure when sold on the street. The other 85 percent of street cocaine is an adulterant, which is added to increase the product's weight and its dollar value. The most common adulterants for cocaine are procaine (a synthetic local anesthetic), lactose (milk sugar), and mannitol (also called Mannite, a mild laxative frequently prepared with lactose added as a filler).

Pure cocaine is a white crystalline substance. Street cocaine is generally a light, fluffy white powder sometimes called "snow," but it has been encountered in the form of a pink liquid. Yellow or black cocaine may also be encountered depending on the bleaching agent used in the extraction process.

For street sale cocaine is frequently packaged in small paper bindles (with a net weight of 200-300 milligrams) and sold for up to $20. A larger $40 bag (net weight 400 milligrams) is also common. Other less frequently seen packages include gelatin capsules, plastic or glass vials, and 30 caliber cartridges. Even though cocaine is popular with all economic levels, it is an expensive drug to use. An evening's supply might easily cost the user $50.

Although the chances of a local narcotics officer encountering a clandestine cocaine extraction laboratory are not great, it is beneficial to know the solvents and chemicals that are used in the illicit extraction process. These chemicals are:

- Sulfuric Acid
- Potassium Carbonate
- Kerosene, Benzene or Melted Paraffin
- Potassium Permanganate

- Ammonia
- Acetone or Ether
- Absolute Alcohol (Ethanol)
- Sodium Carbonate
- Hydrochloric Acid

Kerosene, which is utilized in great volumes in the initial extraction, is readily available. Reagents such as sulfuric acid, potassium carbonate, ammonia and hydrochloric acid are also available for industrial purposes. Ether and absolute alcohol, while available, are usually controlled through taxation and are therefore accountable. Any large sales of these reagents and chemicals warrant close scrutiny by the narcotics investigator checking on clandestine cocaine production.

Moreover, the presence of cinnamoyl cocaine in a sample is always indicative of illicit origin. This compound is never present in legitimately produced cocaine, having been oxidized and reduced to ecgonine.

In order to better understand the present day use and misuse of coca and cocaine, it may be helpful to relate the historical background of cocaine use. Chewing coca is a very old habit, especially among the Indians of South America. Many archeological artifacts of various Andean cultures contain pictures and symbols of the coca bush and its leaves, depicting coca use in various civil and religious rituals.

The fidelity of the present day Indians to coca is due partly to superstitious ideas retained from ancient times about the beneficial effects of the plant. The present day Indian considers coca in the same category as tobacco. The Indian, whose fare consists of maize, dried meat and potatoes, depends on coca to sustain his strength. Without the fortification of coca, he could not perform the hard work required to survive in a harsh and hostile environment. After coca was introduced to the European countries, many concoctions and infusions of coca were prescribed to treat a variety of ailments from stomach ulcers to broken legs and motion sickness. Eventually, physicians learned that, rather than contributing to cures, coca and cocaine actually caused debilitating side effects.

## COCAINE CHEMICAL TESTS

If a substance is suspected of being cocaine it can be tested by using Cobalt-Potassium Thiocyanate as a reagent. This particular reagent can be prepared by dissolving 2 grams of Cobalt Thiocyanate in 100 ml of water. Hydrochloric acid is then added. Using a paper clip, the tester puts a small amount of the suspected substance into a vial with the Cobalt Thiocyanate reagent. Cocaine will produce a blue flaky precipitate.

There are several "street" field tests for cocaine that are being used by some traffickers. The investigator should be familiar with these tests.

- In the "water test" for cocaine, a small amount of the purported cocaine is dropped into a clear glass of water. The cocaine will dissolve very rapidly while the adulterants will dissolve much slower or not at all.
- In the "Clorox test" a small amount of the alleged cocaine is dropped into a clear glass of Clorox. If the substance is cocaine it should drop to the bottom in a milky form with a slight milky "vapor" trail visible in the liquid. If the substance turns red it is procaine.

- In the "heat test" a small amount of the purported cocaine is placed on a piece of tin foil and the foil is heated by holding a match under it. If the substance is cocaine, it will produce excessive smoke and should burn clearly to a goldish color. If the substance burns black, the black residue may be adulterants which can be scraped off or shaken free; the cocaine will be fused to the foil.

- In the "whiskey test" a small amount of the purported cocaine is dropped into a clear glass of liquor of any type (pure ethyl alcohol will do). If the substance is cocaine HCl, the adulterants will float on top while the cocaine dissolves slowly and settles to the bottom. Cocaine HCl will dissolve very slowly and only in hot alcohol, while cocaine base will dissolve very rapidly in cold alcohol.

CHAPTER SEVENTEEN

# DEPRESSANTS*

Depressants are compounds which affect the central nervous system by decelerating its activities. They may be synthetic or natural. Depressants can also be categorized as hypnotics (producing or inducing sleep), sedatives (producing a relaxed state that can lead to sleep), or tranquilizers (bringing about relief of anxiety, relaxation of muscles, and calming without sleep or drowsiness).

This class of drugs was first discovered in 1864 by Adolf von Baeyer, a German chemist, who synthesized barbituric acid. Research led to the development of the first hypnotic derivative of barbituric acid, Barbital, in 1903. Since that time, over 2,500 derivatives have been discovered. Depressants have additional legitimate medical uses, as anesthetics for minor surgery, pre- and post-operative sedation, and as anti-convulsants.

Since physical dependence results from the abuse of depressants, there is also a withdrawal syndrome. Withdrawal from non-narcotic depressants can be fatal and should medically supervised. These non-narcotic depressants can be divided into three main categories: barbiturates, tranquilizers, and non-barbituric acid drugs.

## BARBITURATES

Barbiturates are also further classified in four categories based on the speed of onset and the length of action. The long-acting barbiturates have a speed of onset of 30 to 60 minutes and a length of action of up to eight hours. Barbital and Phenobarbital are examples. The intermediate-acting barbiturates have a speed of onset of 15 to 30 minutes and a length of action from four to six hours. Amobarbital and butabarbital are examples. Short-acting barbiturates produce an onset of effects within 10 to 20 minutes and remain effective two to six hours. Pentobarbital and Secobarbital are examples. The ultra-short-acting barbiturates produce a speed of onset of 0-45 seconds and a length of action of up to 30 minutes. Thiopental sodium is an example. The short-intermediate-acting barbiturates are the choice drugs of abuse due to the favorable length of time for onset of effects, the length of time the effects last, and the production of euphoria by the drugs.

Although one can become addicted to barbiturates at normal dosage, use of barbiturates can be continued for years without difficulty. However, prolonged use of high doses leads to addiction and tolerance. If, for example, someone used Secobarbital or Pentobarbital in high doses such as 800 or 1000 mg daily (eight to ten capsules) for about ten weeks, he would develop physical dependence. The daily dose used by some addicts may be as high as fifteen capsules of 100 mg each, or 1500 mg.

During the treatment for barbiturate addiction, the dose of the barbiturate is gradually lowered over a period of weeks while the patient is hospitalized. This is

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*Bibliography will be found on the last page of this chapter.

done cautiously to avoid the more serious withdrawal symptoms. During untreated withdrawal, the addict may exhibit mild symptoms, consisting of weakness and anxiety, or he may have more severe symptoms that consist of delirium and severe convulsions. Generally, the symptoms which an officer would notice in a barbiturate user undergoing withdrawal would be similar to delirium tremens and morphine withdrawal. In progression these withdrawal symptoms are:

- Insomnia
- Irritability
- Anxiety
- Hallucinations
- Tremors
- Nausea and vomiting
- Abdominal pains

The barbiturate abuser can also overdose. The toxic or lethal dose for barbiturates is essentially the same in addicts as in non-addicts. This differs from heroin addiction, in which the heroin addict can tolerate much larger doses than the non-addict. In other words, in heroin addiction, with an increase in tolerance there is an increase in the lethal dose. In barbiturate addiction there is little or no increase in the lethal dose. However, there is a potentiating effect when barbiturates are used in conjunction with alcohol, or some other drugs. Generally, death from overdosage of barbiturates is due to respiratory failure. In some cases, the patient may be in a coma for days and death may ultimately result from heart failure or pneumonia.

The barbiturate abuser often has the appearance of drunkenness without the odor of alcohol. For instance, he may appear drowsy and confused; his muscle control may be poor, which will result in poor coordination and a staggering gait. His speech may be slurred; his memory may be impaired; and he may exhibit an inability to concentrate.

## TRANQUILIZERS

Tranquilizers are commonly classified as either major or minor. Those designated as major tranquilizers are generally not abused. Major tranquilizers are used in the treatment of various psychoses, while minor tranquilizers are used in the treatment of neuroses. The major tranquilizers are so named because of their potent antipsychotic effect. Included in this group are the following:

| Generic Name | Trade Name |
|---|---|
| Chlorpromazine | Thorazine |
| Promazine | Sparine |
| Perphenazine | Trilafon |
| Prochlorperazine | Compazine |
| Thioridazine | Mellaril |
| Trifluoperazine | Stelazine |
| Triflupromazine | Vesprin |
| Mesoridazine | Serentil |
| Reserpine | Serpasil |

These drugs calm the excited, violent or fearful patient without putting him to sleep like the barbiturates. Death can result, however, if enough drug is consumed.

Toxicity varies from one drug to another. The major tranquilizers are not addicting. However, they do have side effects some of which are significant, such as a drop in blood pressure, loss of muscle control, and the possibility of skin and/or liver disorders. There is no withdrawal syndrome with the major tranquilizers. Although these drugs are prescription items, they are not controlled or abusable. These drugs are presented here to differentiate them from the minor tranquilizers.

The minor tranquilizers, although not as potent as the major tranquilizers, can produce physical dependence with long-term usage. Moreover, a withdrawal syndrome is seen when drug usage stops. In the absence of the drug in a patient dependent on the drug, convulsive seizures may be seen just as in barbiturate withdrawal. The minor tranquilizers, however, are relatively safer than the barbiturates in that higher doses are necessary to cause respiratory failure, coma, and death. An offsetting danger, however, is that people tend to regard them as totally benign. The following are minor tranquilizers:

| Generic Name | Trade Name |
|---|---|
| Meprobamate | Equanil |
| | Miltown |
| | Meprospan |
| Chlordiazepoxide | Librium |
| Diazepam | Valium |
| Oxazepam | Serax |
| Flurazepam | Dalmane |

## NON-BARBITURIC ACID DRUGS

Other depressant drugs, which are not derivatives of barbituric acid can be called non-barbituric acid sedatives-hypnotics. These drugs will induce sleep and/or relax a hyperactive individual. All can cause psychological dependence in certain users, and most, if not all, have a potential for physical dependence when abused. All of the following non-barbituric acid drugs have sedative and hypnotic effects at a given dosage:

| Generic Name | Trade Name |
|---|---|
| Sodium bromide | Sodium bromide |
| Paraldehyde | Paraldehyde |
| Chloral hydrate | Noctec |
| | Somnos |
| Chloral betaine | Beta-Chlor |
| Carbromal | Cabromal (found in Carbrital capsules) |
| Glutethimide | Doriden |
| Methprylon | Noludar |
| Ethchlorvynol | Placidyl |
| Ethinamate | Valmid |
| Methaqualone | Quaalude |
| | Parest |
| | Somnafac |
| | Sopor |
| Antihistamines | Various commercial names |

The majority of depressants are controlled under the various federal and state drug control acts. Generally, these controls are classified as follows:

Schedule II--Amobarbital, Secobarbital, Pentobarbital and Methaqualone

Schedule III--Barbituric Acid Derivatives not in any other schedule

Schedule IV--Barbital, Meprobamate, Chloral Hydrate, Phenobarbital, Chlordiazepoxide, and Diazepam

IDENTIFICATION

Identification of depressant drugs should be made by a qualified chemist. Law enforcement officers can only tentatively identify these drugs by using field tests, trade marks, production identification codes, and patented tablet or capsule shapes. Information for this purpose is listed for the more commonly abused drugs.

Secobarbital is the generic name for a depressant manufactured under the trade name Seconal by Eli Lilly. The recommended dosage for sedative purposes is up to 100 mg; for hypnosis it is up to 100 mg plus. Seconal comes in the form of red, bullet-shaped capsules in 30, 50, and 100 mg doses, bearing the Lilly name on them and the numbers F72, F42 and F40, respectively. Seconal also comes as an elixir, ampoule, Hyporet (registered trade name)--a disposable syringe, and suppositories.

Pentobarbital is sold under the trade name of Nembutal by Abbot Laboratories. In capsule form the drug comes in 30, 50, and 100 mg dosages, the same as Secobarbital. The 30 and 100 mg capsules are all yellow, although in a different size. The 50 mg capsules are either orange and white or yellow and white. They all bear the Abbot logo. However, the 50 and 100 mg capsules have the name Abbot on them. Pentobarbital also comes as an elixir, as suppositories, as a solution for injection, and as time-release tablets made of plastic called Graduments (registered trade name), which are blue in color, in 100 mg dosage.

Amorbarbital Sodium is manufactured under the trade name Amytal by Eli Lilly and Company. For sleeping purposes 65 to an upper limit of 200 mg is recommended while the usual dose for daytime sedation is 30-50 mg two or three times a day. The Amytal capsules are blue and bullet-shaped. They come in 65 to 200 mg doses with the numbers F23 or F33, respectively, and the Lilly logo in script on the capsules. Amytal tablets are light green (15 mg), yellow (30 mg), orange (50 mg), and pink (100 mg), and are capsule-shaped. Respectively, the tablets bear the numbers T40, T56, T37, and T32. The Lilly logo in script is also inscribed on the tablets.

A combination of Secobarbital/Amobarbital Sodium is also manufactured by Eli Lilly under the trade name Tuinal. The recommended dosage is 50 to 200 mg. The orange and blue, bullet-shaped capsules come in 50, 100, and 200 mg doses bearing the numbers F64, F65, and F66, respectively. All the capsules bear the Lilly logo.

Chlordiazepoxide, a tranquilizer, is manufactured under the trade name Librium by the Roche Company. The recommended dosage for oral administration is 5 to 25 mg three to four times per day for mild to severe anxiety and tension. For injection, it is up to 300 mg in a 24-hour period for withdrawal symptoms of acute alcoholism and severe anxiety and tension. In tablet form, Librium is blue in color, in 5, 10, and 25 mg doses with each tablet bearing the Roche name and the numbers 13, 14, and 15, respectively. Librium capsules are green and yellow (5 mg), black and green (10 mg), and green and white (25 mg); they bear the Roche name and the numbers 5, 10, and 25, respectively, on each side of the capsule under the name.

Diazepam is the generic name for a Roche Company tranquilizer with the trade name of Valium. The recommended oral dosage is 8 to 30 mg per day for tension and anxiety

and psychoneurotic states, and the recommended injection dosage is up to 30 mg in an eight-hour period for psychoneurotic reactions. Valium comes in injection form and in white (2 mg), yellow (5 mg), and blue (10 mg), scored tablets. Respectively, the tablets bear the numbers 2, 5, and 10 and the Roche name.

Meprobamate, another tranquilizer, is manufactured by the Wallace Company under the trade name Miltown. The recommended dosage is 1200 to 1600 mg per day for anxiety and tension. The 200 mg tablets are white-coated and bear the markings 37 Wallace 1101. The 400 mg tablets are white-scored with 37 Wallace 1001 on the side. The 600 mg bullet-shaped tablets have Wallace 37-1601 markings. The Miltown capsules are blue and clear (400 mg) and yellow and clear (200 mg). Respectively, the capsules will bear the numbers 400 and 200 and the markings Wallace 37-1301 and Wallace 37-1401.

Methaqualone, a non-barbituric depressant, is manufactured under various trade names. Three of these are: Quaalude, Sopor, and Parest. This depressant is used to induce sleep or to cause daytime sedation. Quaalude comes in white-scored tablets in 150 and 300 mg doses bearing the Rorer logo and the numbers 712 and 714, respectively. Parest is manufactured in turquoise blue and light green capsules in 400 mg dosage. They bear the Parke-Davis logo, PD, on both sides of the capsule and the numbers 572 and 574, respectively. Sopor comes in green, yellow or orange, scored tablets in 75, 150, and 300 mg doses, respectively. They bear the Arnar Stone logo on the unscored side.

Chloral Hydrate, also a non-barbituric depressant, is manufactured under different trade names: Felsules (Fellows Company), Kessodrate (McKesson Company), and Noctec (Squibb Company). This drug is used to induce sleep or for daytime sedation. The doses for sleep are 500 to 1,000 mg and the doses for sedation are generally 250 mg. The forms in which these drugs are manufactured vary. Felsules are blue and white, blue, or yellow capsules in 250, 500, and 1,000 mg doses, respectively. The company name "Fellows" is placed on the 500 and 1,000 doses. Kessodrate comes in red capsules in 250 and 500 mg dosage bearing the company name "McKesson" on each capsule. Kessodrate also comes in syrup form. Noctec is manufactured in red capsules in 250 and 500 mg dosage bearing the name "Squibb"and the numbers 623 and 626, respectively. It, too, is available in syrup form.

Barbiturate Field Test

The Zwikker test is used for the presumptive identification of barbiturates. The test consists of three types of solutions:

1) Anhydrous Methanol

2) Cobalt Chloride (Cobaltous Chloride) dissolved in Methanol

3) Five percent Isopropylamine in Methanol

To use the Zwikker test, the investigator places part of the contents of the suspected capsules, powder, or crushed tablets into a spot tester. The amount should be enough to cover the "0" on a typewriter key. Two drops of the first solution (Anhydrous Methanol) are added to the fragments on the spot tester. The fragments should dissolve. Next, two drops of Solution No. 2 (Cobalt Chloride) are added. They should produce a violet or blue color. Finally, two drops of Solution No. 3 (five percent Isopropylamine in Methanol) are added, and if the color deepens to a darker violet or blue, it indicates the presumptive presence of a barbiturate.

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CHAPTER EIGHTEEN

# STIMULANTS*

Stimulants are compounds which affect the central nervous system by accelerating its activities. Stimulants are either natural, such as Epinepherine, or synthetic, such as Amphetamine or Phenmetrazine. The first natural stimulant discovered was Epinepherine (Adrenalin). The effects of Epinepherine were first described in 1899.

The first synthetic of any significance was prepared in 1919 by a Japanese chemist. The substance was later identified as Methylamphetamine. In 1927 a substance called 1-Phenyl-2-Amino-Propane and its actions were first described by Gordon Alles. The major research on this compound, however, was left to the Smith, Kline and French Laboratories of Philadelphia. The research led to the development of Benzedrine and later to the development of Dexedrine. It was during this development that the compound was called by its true chemical name--Alpha-methyl-phenethyl-amine or amphetamine.

The abuse problem began in 1932 with the introduction of the benzedrine inhaler. he abuse problem was furthered by the introduction of Benzedrine and Dexedrine tablets. Overproduction during World War II provided the initial materials for amphetamine abuse. Japan was the first country to experience a serious abuse problem in the intravenous use of methamphetamine, while the United States experienced the first serious problem in the abuse of the Benzedrine inhaler.

In progressive stages, the acute toxic effects of amphetamine abuse include restlessness, tremor, talkativeness, irritability, insomnia, anxiety, delirium, panic states, paranoid ideation, palpitation, cardiac arrhythmias, hypertension, circulatory collapse, dry mouth, nausea, vomiting, abdominal cramps, convulsions, coma and death. The toxic dose varies widely and may occur as an idiosyncrasy after as little as two mg, but more usually it occurs in doses far above the recommended amounts.

In an analysis of 310 cases of high-dose intravenous methamphetamine abuse, David Smith (1970) divided psychological adverse reactions into five categories:

1) Anxiety reactions, in which the individual becomes fearful and tremulous, with concerns about his physical well-being

2) Amphetamine psychosis, in which the individual misinterprets the actions of others, hallucinates, and becomes unrealistically suspicious

3) Exhaustion syndrome, an intense feeling of fatigue and need to sleep following the stimulation phase

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*Bibliography will be found on the last page of this chapter.

4) Prolonged depression

5) Prolonged hallucinosis, in which the individual continues to hallucinate after the drug has been metabolized

Secondary effects of the use of the drug, when malnutrition is a factor, include skin lesions, abscesses, respiratory problems, acute gastrointestinal distress, and abdominal cramps resulting from factors in the user's environment. High-dose users usually sustain a marked weight loss, multiple vitamin deficiencies and dental decay. The possibility of brain damage has been suggested, since coma and its resultant brain damage can occur from amphetamine overdose.

There has been controversy as to whether an amphetamine withdrawal syndrome exists. For many years the medical consensus was that amphetamines were not addicting because of the supposed absence of a withdrawal syndrome. Part of the difficulty lay in disagreement over the definition of addiction, but a greater part was the failure to recognize the withdrawal syndrome because of its qualitative difference from the narcotic or general depressant withdrawal syndrome. The amphetamine withdrawal syndrome is characterized by apathy, decreased activity, and to a greater degree, sleep disturbances which can last for weeks or months. It was also found that, following abrupt withdrawal from large doses of amphetamines, an increase in the percent of rapid eye-movement sleep (REM) occurred. REM returned to normal when amphetamine was given, but increased again when amphetamine was withheld. This phenomenon, while observable under clinical conditions, provides additional evidence for the existence of physical dependence. Since suicides have occurred during amphetamine withdrawal, doctors have been advised to bring about withdrawal slowly, in a controlled environment.

There are several specific compounds of a stimulant nature with which the investigator should be familiar. These compounds fall into three categories: amphetamines, non-amphetamine stimulants, and combination (amphetamine-barbiturate) products. Within the amphetamine category, three products are very important--Amphetamine, Dextroamphetamine, and Methamphetamine.

Benzedrine is the trade name for the racemic compound produced by Smith, Kline and French Laboratories (SKF). The recommended dosage is 10 to 100 mg per day for obesity in adults. For treatment of narcolepsy and minimal brain dysfunction in children, smaller doses are prescribed. Benzedrine comes in two forms--tablets and capsules. The tablets are flat, three-sided, single-scored and pink in color. The logos SKF-A91 and SKF-A92 are placed on the 5 and 10 mg tablets respectively. The capsules are purple-capped, clear-bodied, and come in a 15 mg dosage form. The capsule will bear the logo SKF-A90.

Dexedrine is the trade name for dextro-amphetamine sulfate produced by SKF. The recommended dosage is 30 to 50 mg per day for obesity in adults. For treatment of narcolepsy and minimal brain dysfunction in children, smaller doses are prescribed. This drug comes in three forms--as an elixir, tablet, and capsule. The tablets are flat, three-sided, single-scored, pale orange in color. Each tablet is in 5 mg dosage form and bears the logo SKF-E19. The capsules are brown-capped, clear-bodied and contain orange and white pellets. They come in 5, 10, and 15 mg dosage form and bear the logos SKF-E12, SKF-E13, and SKF-E14, respectively.

Desoxyn is the trade name for methamphetamine hydrochloride produced by Abbot Laboratories. The recommended dosage is 2.5 to 5 mg up to three times per day for obesity and for adjunctive treatment of minimal brain dysfunction. Desoxyn comes in two forms--as tablets and as Gradumet (registered tradename) tablets. The regular tablet is white in color in 2.5 and 5 mg dosage form and bears the Abbot logo. The Gradumet tablets are white, orange, or yellow, in 5, 10, and 15 mg dosage form, respectively, and bear the same Abbot logo.

Two non-amphetamine stimulants that the narcotics investigator may encounter are Ritalin and Preludin.

Ritalin is the trade name for methylphenidate hydrochloride, produced by CIBA-Geigy Pharmaceutical Company. The recommended prescribed dosage is 20 to 30 mg per day for minimal brain dysfunction in children and narcolepsy. Ritalin comes in single-scored tablets in the colors of pale yellow, pale green, or pale peach in 5, 10, and 20 mg dosage forms, respectively. The tablets bear the logo CIBA.

Preludin is the trade name for phenmetrazine hydrochloride produced by Boehringer Ingleheim Company and distributed by CIBA-Geigy Pharmaceutical Company. The average prescribed dosage is 50 to 75 mg per day to assist in the management of exogenous obesity (short-term program). The drug bearing the Boehringer Ingleheim Company trademark will be in either a pink, cross-scored, 25 mg dosage tablet, with the logo BI-79, or as a round, time-release Enduret (trade name). The Endurets will be in 50 or 75 mg dosage forms, white or pink, respectively, with the logos BI-79 and BI-62, respectively. Preludin may also be found under the Geigy Pharmaceutical Company name with the same shapes and dosages. The logos, however, will be as follows: 25 mg tablet has the logo GEIGY-42; the 50 and 75 mg Endurets will bear the logos GEIGY-79 and GEIGY-62, respectively.

Combination products consist of an amphetamine/barbiturate combination. There are two specific products which should be described, Desbutal and Dexamyl.

Desbutal is the trade name for the combination of methamphetamine hydrochloride and sodium pentobarbital produced by Abbot Laboratories. The recommended prescribed dosage is 10-15 mg methamphetamine hydrochloride/60-90 mg sodium pentobarbital per day. Desbutal is manufactured as Gradumets in the colors of orange and blue or yellow and blue. There are two dosage forms. The first is 10 to 15 mg methamphetamine hydrochloride/60 mg sodium phenobarbital (Desbutal 10); the second is 15 mg methamphetamine hydrochloride/90 mg sodium pentobarbital (Desbutal 15) dosage forms. They all bear the Abbot logo. Desbutal also comes in green capsules in dosages of 5 mg methamphetamine hydrochloride/30 mg sodium pentobarbital. The capsules bear the Abbot log on the cap and the word "ABBOT" on the bottom.

Dexamyl is the trade name for the combination of dextro amphetamine sulfate (DAS) and amorbarbital sodium produced by Smith, Kline and French Laboratories, and used in weight reduction programs. The recommended dosage is the lowest effective dosage possible. Dexamyl comes as an elixir, tablet, or Spansule (registered trade name). The tablets are flat, three-sided, single-scored and green in color. The dosage form is 5 mg DAS/32 amobarbital sodium dosage. The tablets bear the logo SKF-D91. The Spansules are green-capped, clear-bodied, containing green and white pellets. The dosage forms for the Spansules are 10 mg DAS/65 mg amorbarbital sodium (no. 1) and 15 mg DAS/97 mg amobarbital sodium (no. 2). They bear the logo SKF-D91 and SKF-D92, respectively.

## Chemical Tests for Amphetamines

In performing a chemical test for amphetamines, the investigator places a small sample of the suspected capsules, powder, or crushed tablets into a small vial or spot tester. One or two drops of the Marquis reagent is then added to the suspected material. Amphetamines will react with the reagent to give an initial red-orange color, turning to reddish-brown and then to dark brown within two minutes. The speed with which the color is formed depends to some degree on the hardness of the tablet. For example, the red-orange color forms immediately on some tablets while others may require ten to twenty seconds.

## LEVELS OF AMPHETAMINE USE

The following classification of levels of amphetamine use covers most situations in which amphetamines are abused, that is, they are used beyond the intended prescribed purposes or beyond initial experimentation.

Intermittent low-dose abuse. Many individuals occasionally take 5 to 20 mg of amphetamines orally to allay fatigue, elevate mood while doing an unpleasant task, produce prolonged wakefulness, help recover from a hangover, or to "get high." Often the pills are obtained from friends, who more than likely obtained them by prescription for weight reduction. Only rarely are they purchased on the black market. Individuals may be any age and usually have little interest in amphetamine use as a "life style."

Sustained low-dose abuse. In this pattern, the individual obtains amphetamine pills from his doctor for weight control, but takes the pills three to four times a day for the stimulation and euphoria produced by the drug. He may develop a strong psychological dependence on the pills and feel that he cannot get along without them. If he stops taking daily amphetamines, withdrawal depression occurs. Since the depression can be easily and temporarily "cured" by renewed dosage of pills, the dependence becomes difficult to break. Some individuals gradually increase their daily intake of amphetamines and begin taking sleeping pills or alcohol to relieve the insomnia which usually develops. The development of this "upper-downer" cycle is especially dangerous because it increases the probability of overdose.

High-dose intravenous methamphetamine abuse. This is the widely publicized pattern of "street" amphetamine abuse. Although the pattern involves fewer individuals than does oral amphetamine use, the bizarre behavior and dress of the intravenous "speed freak," the high incidence of violent behavior and the resultant medical complications have focused disproportionate public and professional attention on this pattern. A major motivation is the "flash" or "rush," an intense feeling of pleasure immediately following the injection. During a speed binge, an individual may inject between 500 and 1,000 mg of methamphetamine every two or three hours; by contrast, the usual prescribed dose ranges between 2.5 and 15 mg per day. The substance, called "crank" or "crystal," may consist of illegally produced methamphetamine or dissolved prescription tablets.

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CHAPTER NINETEEN

# HALLUCINOGENS

The term "hallucinogens" refers to a group of drugs which affect the central nervous system, producing perceptual alterations, intense and varying emotional changes, ego distortions, and thought disruption. Technically, these drugs include marihuana. However, because of its widespread use and uniquely mild effects, marihuana will be discussed in a separate chapter. Here we will cover LSD, Phencyclidine (PCP), Peyote Mescaline, Psilocybin, DOM/STP, DET, DMT and STP, Ibogaine Bufotenine, and Morning Glory seeds. Most of these substances have no medical use and are taken simply because of the subjective effects they produce. They are not considered to be addictive, although they can and do produce psychological dependence. Hallucinogens are exotic drugs which have received considerable attention from the media and drug abuse educators. While many of these drugs enjoy periods of fad-like popularity with an accompanying temporary demand for them on the illicit drug market, others, such as PCP, have been abused over the last decade.

Hallucinogens (also called psychedelics) are capable of provoking alterations of time and space perception, illusions, hallucinations and delusions. Results are variable; a "good trip" or a "bad trip" may be experienced by the same person on different occasions. Many drugs will cause a delirium accompanied by hallucinations and delusions when taken by people who are hypersensitive to them. Extraordinarily large amounts of other types of drugs may also produce hallucinations because of their direct action on the brain cells. Because of the potentially adverse effects of hallucinogens on the human body, these drugs pose special dangers to anyone handling them. Moreover, since very small quantities, micrograms in some cases, may have great potency, the police officer must be extremely careful in how he handles and packages hallucinogens seized as evidence. Under no circumstances should an officer taste this or any other type of drug or narcotic. Equally important, he must also avoid any direct physical contact with the suspected drug.

Most of the hallucinogenic drugs in illicit channels of distribution are manufactured in clandestine laboratories. Legitimate chemical manufacturers in foreign countries produce some hallucinogenic drugs, but only for research or chemical purposes. Some of these drugs have been diverted to the illicit market through thefts or illegal purchases. Although openly promoted by enthusiasts as a means of expanding consciousness, the hallucinogens have yet to be proved medically valuable. Hence, there are neither standard dosage forms nor markings which make visual identification easy. Illicit laboratories produce hallucinogens in the form of capsules, tablets, powders or liquids, while peddlers and users will utilize any method to transport or hide these drugs.

LSD (LYSERGIC ACID DIATHYLAMIDE). The most powerful and possibly the most widely used of the "mind-expanding" drugs is LSD, a semi-synthetic alkaloid substance extracted from a fungus which grows on rye, wheat, and other grains. It is an extremely potent drug, requiring only a small amount to induce a "trip." The effects of an average dose (about 100 micrograms) usually last from six to twelve hours. One ounce is enough to provide 300,000 doses. LSD is encountered as a liquid or powder. In its

original state it is colorless, odorless and tasteless. It is often put on or in: sugar cubes, toothpicks, aspirin, crackers, postage stamps, or bread.

Physical effects of LSD include dilated pupils, a flushed face, increased blood pressure, lowered temperature, profuse sweating, nausea, and a rapid heartbeat. These effects disappear as the action of the drug subsides. Considerable psychological effects on various levels are also triggered by the ingestion of LSD. These are highly subjective, depending on mood, anxieties, tensions, dosage, and the conditions under which the drug is taken.

Vivid hallucinations are experienced, as well as a confusion and blurring of sound, taste, touch, and smell sensations. The phenomenon known as "synethesia" is produced as sensations "cross-over"--that is, music may be experienced as a color or colors may seem to have taste. The user may suffer loss of depth and time perception, decreasing his ability to perceive danger and to make sensible judgments. The customary controls over one's emotions diminsh or disappear. The user may experience feelings ranging from ecstasy to horror, sometimes feeling two strong and opposing emotions within a single incident of use. It cannot be predicted whether one's response to the drug will be a "good trip" with pleasant sensations or a "bummer" with terrifying perceptions.

An individual's thought patterns may undergo transformation, resulting in a blurring of the distinction between conscious and unconscious thought. It is primarily from this effect that LSD derives its reputation as a "mind-expanding" drug. A tripper may see himself as divided into two parts, an "observing being" and an "experiencing self;" he may feel mystical or extremely philosophical, reporting a sense of rebirth, or profound personality insights, or a heightened awareness of life and nature. Because of these "consciousness-expanding" effects, LSD has been extensively tested as a possible treatment for mental illnesses. In studies so far it has failed to help the severely ill, but some improvement has been noted in less extreme cases. Follow-up studies, however, have suggested that improvements are not lasting and therapeutic value may be very limited.

The drug is not considered to be physically addicting because the body does not develop a need for it nor experience physical sickness when it is withdrawn. However, a psychological dependence may develop. The regular user will also build up a tolerance to the drug, requiring an increased dosage to produce the desired effect. The user may also suffer periods of acute anxiety or depression for varying lengths of time after the "trip." Recurrences of hallucinations ("flashbacks") may occur days, months, or even years after the last dose. Panic reactions to this phenomenon have occasionally culminated in suicide.

In short, LSD is not yet fully understood. One possible effect of LSD is that it may cause an abnormal amount of breakage in the chromosomes of the white blood cells. Chromosomes carry genes that transmit hereditary traits from parent to offspring. If abnormal chromosomal damage occurs, there is the possibility that miscarriages and birth defects in the offspring may result, although definite confirmations of this theory have yet to be made. It has been shown that heavy use can cause an impaired memory, mental confusion, and difficulty with abstract thinking. It is not known whether these conditions can be reversed upon discontinuance of the drug.

LSD was first synthesized by a Swiss chemist, Albert Hoffman, in 1938. FIve years later, Hoffmann accidentally discovered its mind altering properties while performing an experiment. Its use spread rapidly, both through legitimate research and illicit trafficking, reaching its peak during the 1960's. The drug was outlawed in the United States (except for experimental research specifically designated by the federal government) by the Drug Abuse Control Amendments to the Federal Food, Drug, and Cosmetic Act of 1966.

In spite of penalties imposed for non-medical use, the drug enjoyed particularly widespread use among the pseudo-religious cults of Haight-Ashbury in San Francisco and Greenwich Village in New York during the early 1960's. This pattern of use tapered off as the cults gradually disintegrated. It then began to spread to middle-class suburbia, where LSD experimentation increased among high school and college age populations. Due to the possibility of chromosomal or other permanent biological damage, the use of LSD by students has decreased, and narcotics enforcement officers do not encounter this drug as frequently as they did previously.

PCP (PHENCYCLIDINE).* Phencyclidine (PCP) has leaped recently into the forefront of the drug scene. Known on the streets as "angel dust," "hog," and numerous other exotic names, PCP has become very popular among youthful drug users.

Phencyclidine was investigated in the late 1950's as an intravenous anesthetic and analgesic (pain killer). It was also used for the treatment of mental disorders. Parke, Davis and Company received a United States patent for it in 1963 and marketed the drug under the trade name Sernyl. Although effective as an anesthetic, the drug often produced unpleasant post-operative side effects including visual distrubances and delirium. Its legitimate use for humans was discontinued in 1967, but in 1968 phencyclidine became available in solution form for veterinary use under the trade name Sernylan.

The first reported "street" use of phencyclidine was in San Francisco's Haight-Ashbury district in 1967, where it was illegally marketed as the PeaCe Pill. Another early appearance was in New York City where it was called Hog. PCP was not well received by the drug using community at that time, and in 1968 the Haight-Ashbury Free Medical Clinic reported that use of the drug had virtually ceased. It was, however, commonly mislabeled and sold as other psychedelic substances, primarily appearing as synthetic THC.

The effects of PCP vary widely. Although its exact physiological actions on the body are not yet clear, PCP is known to affect the brain and central nervous system. In small doses, phencyclidine causes sedation like most "downers." In moderate doses, analgesia and anesthesia occur, characterized by sensory disturbances. In large doses, PCP may produce convulsions and coma leading to death. Most persons using PCP experience a confused state characterized by feelings of weightlessness, unreality, and hallucinations. Reports of difficulty in thinking, poor concentration and preoccupation with death are frequent. Other effects include nausea, vomiting, profuse sweating, involuntary eye movements (nystagmus), double vision and restlessness. It has also been reported that PCP users have increased rates of fetal loss, chromosome breakage and decreased fertility.

More PCP users die from accidents caused by the strange behavior the drug produces in them than from the actual chemical effect of the drug itself. People on PCP have drowned in shallow water because they are so disoriented they can't tell which way is up. Others have had auto accidents, fallen off of roofs and out of windows because of the drug's intoxicating effects. Some have died in fires because PCP made them insensitive to the pain of burning and so confused and disoriented that they couldn't escape from the flames.

The reasons why PCP continues to increase in popularity, in spite of the adverse publicity, remain unclear. However, most experts are of the opinion that there are probably three major factors contributing to the rising PCP problem.

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*National Institute on Drug Abuse, PCP, U.S. Department of Health, Education, and Welfare, Rockville, Md.

First, it is readily available. For example, in one West Coast city the local police department reported that in 1972 there was only one individual manufacturing PCP in that city whereas, at present, it is estimated there are over fifty individuals involved in large scale manufacture of PCP.

Second, PCP is inexpensive both to manufacture and to buy when compared to most other drugs. Subsequently, there is a tremendous profit margin for manufacturers and dealers in PCP, more so than any other drug. A small initial investment of, for example, $5,000 to $10,000 enables an individual to manufacture 60 to 100 pounds of pure PCP crystal. The pure crystals may wholesale from $10,000 to $18,000 per pound, thereby producing an immediate high profit. Depending on the desired strength and form of the end product, the PCP crystals are then cut ten to fifty times to "street" potency by using powdered milk. When the final product is in the form of pills, the pure PCP will be cut ten to twenty times with powdered milk and then mixed with a "binding" adulterant to produce the pill shape. One pound of the adulterated PCP would then yield approximately 60,000 pills which may sell for $2.00 each. When the final product is to be "angel dust," the pure PCP will be cut as much as fifty times.

Third, the greatest concentration of PCP users is in the 16 to 25 age group. One reason is that peer pressure and the desire for group acceptance at these ages are at their highest. To be accepted into the "in" group, many people will use drugs for the first time or expand minor abuses to include poly-drug use. Many users have indicated that their first introduction to PCP was a result of peer pressure and that their first drug was marihuana. Unfortunately, many of these new users also smoked PCP, thinking it was marihuana. Then, due to peer pressure, they continued to use PCP.

"Angel dust" is normally produced by dissolving one teaspoon to one tablespoon of the cut PCP into a pint of acetone or ether. Currently, the most popular method is to then place mint or parsley leaves into a container and mix the pint of now liquid PCP with the leaves. After the highly volatile acetone or ether evaporates, 18 to 20 ounces of PCP-treated leaves remain. These leaves are commonly referred to as "angel dust." Another frequently used method is to spray the liquid PCP on the leaves. Generally, no less than one ounce of liquid PCP is sprayed on one pound of leaves.

"Angel dust" prepared by the mixing method is more potent and, depending on the geographical region, sells for $125 to $135 an ounce. "Angel dust" is also commonly packaged in $10 bindles that weigh approximately 1.5 grams. From a bindle, the user can make seven to ten "pinroll" joints. "Pinroll" joints are much smaller than normal marihuana joints due to the potency of PCP. Though not usually sold individually, "pinroll" joints have sold for $1.50 to $2.00 each.

Because almost all the PCP seen on the street is illicitly manufactured in clandestine laboratories, the strength, appearance and type of packaging vary depending on the source. Investigators report, however, that the "average" angel dust cigarette is more potent than the same quantity of marihuana and that three "hits" of angel dust will produce a "high" equal to or greater than that caused by smoking an entire marihuana cigarette. Occasionally, users will combine angel dust and marihuana but, because the mixture (also called Killer Weed) is extremely potent, this practice is not common.

MESCALINE. Mescaline is the primary active ingredient of the peyote cactus, Lophophora williamsii Lemaire, a plant which has been employed by Indians in northern Mexico from the earliest recorded time. By the time of the Spanish conquest, peyote had been adopted by a number of tribes who spanned the geographic distance from Central America to Texas. In this setting, individuals ingested the mescaline-containing peyote buttons to relieve fatigue and hunger and to treat victims of various diseases. The dried tops were worn as amulets for protection against danger. In tribal rites, mescaline was used in group settings to facilitate the achievement of a trance state necessary for tribal dances.

The incidence of illicit mescaline use on the street has never been accurately determined. The drug, in the form of the peyote buttons, was available for personal experimentation from the beginning of this century, but it did not gain much of a following until the 1960's. At that time a number of "beats," poets, artists and students began trying peyote as a supplement to their use of other drugs.

Ingestion of 300/800 milligrams of peyote "buttons" produces hallucinations, occasionally sexual in nature, and intensified sensual experiences. Side effects may be feelings of terror, anxiety, impaired space and color perception, and psychotic reactions. Peyote's effects usually begin within one hour after ingestions of a single dose and may persist up to twelve hours. The physical symptoms are similar to those of LSD: dilated pupils, increased pulse rate and blood pressure, and tremors. Although no physical craving or need may develop, excessive use may result in psychological dependence.

Peyote buttons average one to two inches in diameter, are brown in color, and resemble the underside of a dried mushroom. They are occasionally found on the illicit market. Because peyote has an intensely bitter taste, the buttons are generally ground up into a dark brown powder and sold in clear gelatin capsules.

Mescaline and other alkaloids such as anhalonidine, anhalonine and pellotine in peyote are responsible for the hallucinogenic effects. The terms "peyote" and "mescaline" are often used interchangeably to refer to the same substance. Mescaline, first isolated in 1896, may be extracted from peyote or synthesized in a laboratory. Clinically, mescaline has been used experimentally in the treatment of schizophrenia and other psychotic states.

"Bad trips" on mescaline can usually be reversed or ended by a competent therapist or supportive friend through the process of "talking down." This technique involves a minimum of physical or medical intervention and emphasizes providing comfort, support and reassurance. Although chemical intervention (primarily with phenothiazine tranquilizers) has been widely practiced by emergency wards in the past, it is usually not necessary except as a last resort. Complications with chemotherapy of adverse mescaline reactions include: creation of a more confusing picture, which is harder for the physician to diagnose and treat; paradoxical responses, in which the treatment may make the trip worse rather than better; interference with normal breathing patterns; and, idiosyncratic combinations of drugs which can cause shock and even death. The latter possibilities should be taken into consideration when the bad tripper has taken "synthetic" or "extracted" mescaline procured from illicit sources because these "drugs" in all likelihood are not real mescaline, but combinations of any variety of psychopharmaceuticals.

Peyote and mescaline are in demand on the illicit market. However, the amount of real peyote and mescaline available is insignificant compared to drugs which are purported to be peyote that are being sold. For instance, brown sugar, laced with LSD, is frequently sold as mescaline.

PSILOCYBIN AND PSILOCYN. Psilocybin occurs naturally in several species of mushrooms, notably Psilocybe mexicana. Albert Hoffmann, the discoverer of LSD, and his colleagues at the Sandoz Laboratories in Basel, Switzerland, isolated two substances from Psilocybe mexicana. Psilocybin was isolated as the major constituent; however psilocyn was also found in small amounts, but was equally active. These alkaloids have since been found present in numerous varieties of mushrooms. Interestingly, psilocybin is relatively unstable and upon ingestion is converted to psilocyn by the enzyme, alkaline phosphatase. Therefore, it seems likely that psilocyn is actually responsible for the drug effects accredited to psilocybin.

Psilocybin exhibits a range of effects similar to those produced by LSD and mescaline. However, the potency of LSD is considerably greater than psilocybin, which in

turn is more potent than mescaline. A dose of 225 micrograms per kilogram of psilocybin would produce clinical effects comparable to 1 to 1.5 mcg/kg of LSD. Tolerance to psilocybin has been demonstrated, although it does not occur as rapidly as tolerance to LSD. Individuals tolerant to psilocybin are also tolerant to a "challenging" dose of LSD. Similarly, individuals tolerant to LSD display cross-tolerance to psilocybin.

The physiological effects produced by psilocybin are not unlike those seen with LSD. These effects are usually minimal and tend to be mediated by the autonomic nervous system. Common physiological changes include: pupillary dilation; increased deep tendon reflexes; slight increases in pulse, blood pressure and body temperature. The use of psilocybin outside the realm of clinical research can be correlated with the use of other psychedelics, notably LSD. Initial use of these drugs occurred at several cosmopolitan universities in the mid-1960's and proliferated into the "youth ghettoes" of the large metropolitan centers of the East and West Coasts.

Two factors apparently led to the increased popularity of psilocybin; first, the limited availability of psilocybin as compared to LSD made it more attractive; and second, reports of LSD-induced genetic damage directed users toward mescaline and psilocybin. With the increased demand for these more exotic drugs, dealers began promoting LSD as psilocybin and mescaline. Due to the illicit nature of psychedelic drug use, it is exceedingly difficult to accurately assess the contents of "street-produced" drug samples. However, recent chemical analyses of street "psilocybin" and "mescaline" have usually proven to be LSD or sometimes other drugs, such as PCP. LSD and psilocybin produce quite similar effects. However, because expectations play a significant role in the outcome of the psychedelic drug experience, users may report subjective differences between the LSD and the supposed psilocybin experience, although they took LSD both times.

The "talk-down" technique has been established as the preferred method for handling "bad trips." This technique involves non-moralizing, comforting, personal support from an experienced individual. This is aided by limiting external stimulation such as intense light or loud sounds and having the person lie down and relax. Although use of tranquilizers is widespread, these drugs should only be employed to "abort" the psychedelic drug experience if "talking down" has failed. Several problems may arise from the use of tranquilizers or other sedatives including: possible undesirable interactions with unknown street drugs or contaminated drugs; creation of a more confusing picture, which is harder for the physician to diagnose and treat; a paradoxical response potentiating the drug effects; and increasing the possibility of subsequent flashbacks.

DOM/STP. DOM (methyl/dimethoxy/methyl/phenyl/ethylamine), commonly known as STP, is a synthetic drug which was introduced to the drug scene in the early spring of 1967. In 1964, Dr. Alexander T. Shulgin synthesized DOM while working on the development of a series of methoxylated amphetamines for the Dow Chemical Company. DOM, MDA (3,4-methylene-dioxyamphetamine) and MMDA (3-methoxy-4,5-methylenedioxyamphetamine) are included in a group of some 28 psychoactive drugs referred to as "psychotomimetic amphetamines." The psychotomimetic amphetamines display hallucinogenic activity and are chemically related to both mescaline and amphetamine.

DOM has been estimated to be approximately 100 times more potent than mescaline, but 30 to 50 times less potent than LSD. Effects reported by subjects in clinical circumstances may be summarized as follows: nausea; appetite decreased more often than increased; increased sweating; feelings of heat slightly more often than cold; paresthesias (numbness); tension; tremors; fatigue. Measured physiological symptoms such as pupillary dilation, increased deep tendon reflexes, tremor and increased pulse rate present evidence of sympathetic stimulation. Early in the course of the drug's effects drowsiness was noted with no apparent direct central nervous stimulation. Increased pupil size, blood pressure and pulse rate were more clearly related to subjects

receiving higher doses. Only three of eighteen subjects had a temperature increase of 1°C or more and all were on the higher doses. Although subjective feelings of weakness were reported, none was detectable clinically. DOM/STP is very seldom encountered on the street today.

DET (DIETHYTRYPTAMINE). DET is one of the latest hallucinogenic drugs to be brought under government control. It is a fast-acting synthetic analogue of DMT, and is chemically related to bufotenine and psilocybin, although it is yet to be found in plant life. DET is produced in both liquid and powder form and is not easily manufactured in a laboratory. It does not have any reported therapeutic use.

DET causes a rise in blood pressure and may rupture small blood vessels in the brain. There are no reports of its having overdose potential. Injecting a dose of 50 or 60 milligrams of DET causes visual distortions, dizziness and a vague sense of time. The experience may last two to three hours. For street use, parsley, tobacco, tea, or marihuana leaves are soaked in DET solution, dried, and then either smoked or ingested. Presently, however, there is little demand for DET and its use is rare.

DMT (DIMETHYTRYPTAMINE). DMT is a short-acting hallucinogen found in the seeds of a plant native to the West Indies and in parts of South America. The powdered seeds have been used for centuries as a snuff--called "cohoba"--in religious ceremonies to produce a state of mind which the Haitian natives claimed enabled them to communicate with their gods. It is also produced synthetically by clandestine chemists.

DMT is not taken orally. Instead its vapor is inhaled from smoke given off by burning ground seeds or powder mixed with tobacco, parsley leaves, or even marihuana. It can also be injected. The effects of a single dose--60 to 150 milligrams--last only from 45 to 60 minutes and will produce mainly hallucinations. For this reason, it is sometimes known as the "Businessman's Trip" or "the lunch hour trip." DMT may cause psychological but not physical dependence. It may appear as an orange liquid or orange crystal.

IBOGAINE. Ibogaine, an alkaloid, is extracted from the roots of the tabernanthe iboga plant, which is native to Africa. This drug causes a rise in blood pressure and stimulates the central nervous system in addition to rendering hallucinogenic effects. No street dosage is reported for ibogaine. In fact, little information is available on the drug. The drug is illegal because of its potential dangers, rather than because of its past history of abuse. For all practical purposes, ibogaine is nonexistent on the illicit market.

BUFOTENINE. Bufotenine, which is related chemically to DMT, is also a recent addition to the list of hallucinogens controlled under the Drug Abuse Control Amendments. Bufotenine is derived from the dried glandular secretions of certain toads, from the amanita fungus, and it can be found in the seeds and pods of the Cahobe bean (Piptadenia peregrina), a shrub found in the northern parts of South America and in the West Indies. However, bufotenine can also be prepared in the laboratory, and moderate doses will increase blood pressure, while abuse of the drug produces hallucinations. Bufotenine is used as a snuff. Symptoms appear almost immediately. In all probability, this drug is nonexistent on the illicit U.S. drug market.

MORNING GLORY SEEDS. Ingestion of approximately 300 morning glory seeds may cause hallucinations qualitatively similar to LSD. The effects are described as mild with the high lasting from seven to fourteen hours. Like other naturally occurring hallucinogens, morning glory seeds were used by American Indians. The Indians ground the seeds to flour, which was then soaked in water. The mixture was then strained and the liquid ingested. Modern abusers eat the seeds directly or boil them in water and ingest the liquid residue. Some of the more popular names for morning glory seeds are: "Heavenly Blues," "Flying Saucers" and "Pearly Gates." Dizziness and diarrhea are frequent side effects. The active ingredient in morning glory seeds is believed to be

lysergic acid amide, an alkaloid chemically related to LSD. Morning glory seeds are a common garden item, and their possession is not illegal. Ingestion of morning glory seeds was a fad a few years ago, but is almost unheard of at present.

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Edward T. Superson, Investigation of Narcotics (1975), Citadel Press, Sacramento.

CHAPTER TWENTY

# MARIHUANA*

Cannabis sativa L, from the genus Cannabis and the family Cannabinaceae, is the botanical name for a tall annual, woody, Dioecious shrub commonly known as marihuana. The term "marihuana" as defined by law means all parts of the plant whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound manufacture; salt derivative, mixture, or preparation of such plant; its seeds or resins. Such terms do not include the mature stalks of such plants, fiber produced from such stalks, oils or cakes made from the seeds of such plants, any other compound, manufacture, salt derivative, mixture or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil or cake or the sterilized seed of such plant which is incapable of germination.

Gray's Manual of Botany lists two distinct genera in the Cannabinaceae family; namely, Cannabis and Humulus. The main botanical difference between the two being the configuration of the stems and the arrangements of the pistillate flowers. Species of the Humulus genus, namely H. lupulus and H. americanus, commonly knowns as "hops" are still of economic importance to impart the bitter flavor in malt liquors.

Some varieties of the species Cannabis sativa have been described and assigned various designations such as "Cannabis indica" and "Cannabis americana." However, botanists are in agreement that these represent varieties and modifications of the species Cannabis sativa, which is the only true species of the order. The Single Convention on Narcotic Drugs makes a distinction between the "Cannabis plant" and "Cannabis resin," the former meaning any plant of the Cannabis genus and the latter meaning the separated resin obtained from the plant. The Convention makes that genuine distinction between the primary natural plant material and its derivative solely for statistical purposes, especially in the research area. Many signatory countries have adopted the same definitions in their national narcotics laws. The United States law, The Controlled Substances Act of 1970, does not distinguish between the plant material and the resin since it is generally accepted that the two terms are synonymous and the definition of "marihuana" includes the extracted resin. However, in some countries a single definition of marihuana to cover both the plant and the resin is legally lacking and this has posed serious enforcement problems. Similarly, a taxonomical ambiguity in the botanical classification of "marihuana" has existed. Unfortunately, some botanists had earlier assigned separate specie names to varieties and hybrids of the true cannabis

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*Material in this chapter is based on:

Drug Enforcement Administration, Cannabis Sativa, prepared by John T. Maher, DEA, Washington, D.C.

National Governors' Conference, Marijuana (1977), National Governors' Conference, Washington, D.C.

National Institute on Drug Abuse, Marihuana and Health, Department of Health, Education, and Welfare, Rockville, Md.

Edward T. Superson, Investigation of Narcotics (1975), Citadel Press, Sacramento.

species. It is now known that certain environmental factors such as soil chemistry, temperature, altitude, etc., produce physical variations of the marihuana plant. Prior to the acceptance of a universal classification system, separate names were assigned to these modified plants. Botanical authorities no longer recognize such differentiations, and "Cannabis sativa" remains the only and all-inclusive designation for this plant. Notwithstanding this fact, some courts have required the prosecutor to prove that a defendant charged with dealing in "marihuana" was in fact dealing in "Cannabis sativa" and not in "Cannabis indica," "Cannabis americana" or "Cannabis mexicana." These latter terms should be avoided. Otherwise, the status of the violator will be so uncertain as to invite acquittal.

Hemp (cannabis) is cultivated the world over. Its culture is presumed to have originated in China from where it spread. It presently grows wild or is cultivated in North and South America, Asia, Africa, and in some European countries. Although the plant grows in many areas of the world, ecological variables govern the extent of growth and are responsible for many morphological modifications of the plants.

It is cultivated for three purposes: (1) for the fiber, from which rope, twine, cloth and hats are made; (2) for the seed, from which a rapid-drying oil is obtained that has commercial value; (3) for the active principle contained in the resin of the dried flowering tops. Dilute solutions of this pollen extract are occasionally used to develope antigens in those persons who exhibit allergic manifestations.

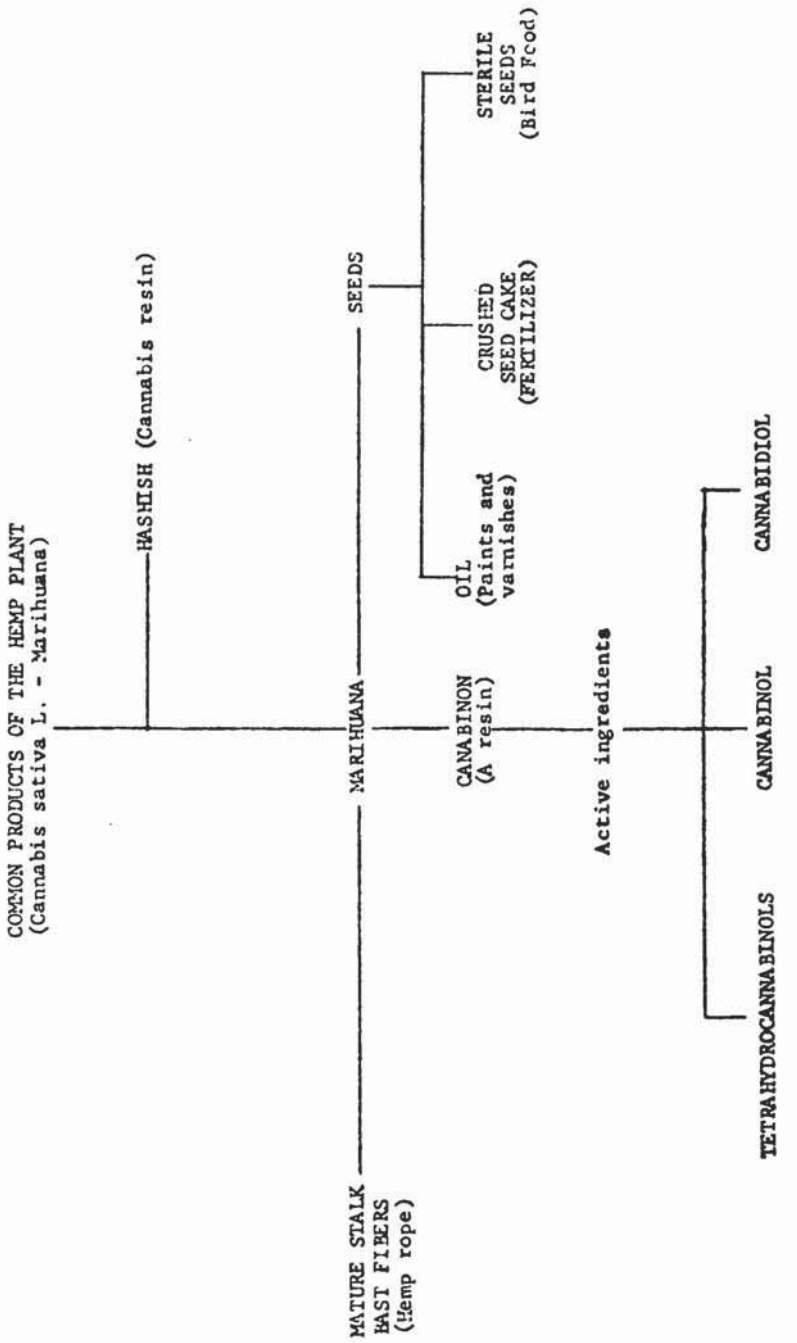
The production and use of marihuana and its resin was first placed under international controls by the Hague Convention of 1912. However, many signatories of that instrument and succeeding documents had neither the facilities nor, in some cases, the inclination to enforce prohibitions. Notwithstanding the strict prohibition against the production and use of marihuana and hashish in the Balkan States, for instance, the clandestine market flourished. Although authorities report many seizures of contraband material each year, there still exists a very large illicit traffic. In North Africa, where quasi-medical use had been tolerated for centuries, it was finally prohibited in the 1950's. However, it is estimated that 25 percent of the populace still uses cannabis to some degree.

Marihuana is known as the "poor man's opium" because it is relatively abundant and inexpensive compared to other drugs. Unlike heroin or cocaine, marihuana does not require any chemical transformation prior to use, which keeps the price down. In recent years, however, persons in the higher economic, social and educational strata have begun to use marihuana.

In the United States, Canada, and Mexico, the dried crushed tops and leaves are rolled into cigarettes and smoked. In India and Central Asia, the raw resin is extracted from the tops and kneaded into sticks or mixed with various spices and called Charos or Dawamesk, which is either smoked or eaten. The leaves are also powdered and mixed with spices, honey or water, and a concoction referred to as Bhang is eaten or drunk. In North Africa, the dried crushed tops are mixed with tobacco and smoked in pipes. In the Eastern Mediterranean and around the Gulf of Arabia the raw resin from the flowering tops is reduced to powder for smoking (called Chira) or is kneaded into sticks for eating (hashish). In the same area the flowering tops are soaked in butter and water and mixed with almonds and honey, then eaten in the form of cakes.

Little is known about the toxic effects of cannabis, although research is in progress. The effects of the active principle tetrahydrocannabinol seems limited to the higher nerve centers. It produces a feeling of well-being accompanied by an increased feeling of physical strength and a general euphoria. Stimulation of the imagination is followed by a mildly delirious state characterized by kaleidoscopic visions. Accompanying this delirious state is a loss of spatial and time relations; persons and things in the environment look small; seconds seem like minutes and hours like days. While

Figure 1: COMMON PRODUCTS OF THE HEMP PLANT



the delirium is one of degree, it gradually merges, if the dose is sufficient, into a state of general motor weakness, fatigue, drowsiness and sleep.

Shortly after inhaling the smoke, the user notices a feeling of "inner joy" that is out of proportion to any apparent cause. This is described as being "high." If the user is alone, he may quietly sit and watch the passing parade of technicolor illusions which may occur. In company he may be extremely talkative. Coordination is altered, although the user may fail to recognize this himself. Intellectual capacities are impaired, particularly those which govern speed and accuracy. The individual's basic personality is not appreciably changed but his behavioral reactions may be modified. Increased self confidence, often unwarranted, is one of the usual reactions. The user loses inhibitions in varying degrees.

As the "trip" continues, judgment and memory are impaired. The user becomes easily irritated and may become confused or afraid. Behavior is impulsive, and mood reactions are variable. Not infrequently the user experiences phantasmagoria--the sensation that figures are rushing toward him at tremendous speed, increasing in size as they approach. As one user described this, "It's like a zoom lens on a TV camera." The total effects of a marihuana "trip" last from three to five hours, after which the user feels slight lethargy and hunger.

## IDENTIFICATION OF THE MARIHUANA PLANT

The following section is concerned primarily with the gross appearance of the marihuana plant during growth. It is intended to assist the observer in identifying the growing plant and points out in detail the outstanding characteristics of the following:

1) Stalk

2) Branches

3) Leaves

4) Sexual differentiation

5) Male flowering top

6) Female flowering top

7) Fruit and "hulls"

8) Roots

Stalk. The lengthwise fluting of the stalk frequently imparts a square appearance in cross section. The green outer layer contains the rough fiber. Under this lies a layer of woody material and within this the pith. The latter is generally hollow. Inconspicuous nodes occur on the stalk at intervals of 4 to 20 inches, and from these spring the leaves and branches, a branch immediately above each leaf.

Branches. The plant branches at the nodes, a branch appearing immediately above the leaf, and occur at opposite points on the stalk with alternate pairs situated almost at right angles. Near the top of the plant, this arrangement becomes alternate to that of the main stalk, producing leaves and a flowering top. The number and size of branches and leaves is governed to a great extent by the proximity of other plants during growth. When planted thickly for fiber production there are neither leaves nor branches, except near the top of the stalk. A plant growing in the open, on the other hand, presents a bushy appearance.

Figure 2: MARIHUANA PLANT

MARIHUANA LEAF

FEMALE FLOWER

MALE FLOWER

Leaves. The leaves are compound. Each of the larger ones consists of 3 to more than 11 separate leaflets. Each leaflet is characteristically hair covered, serrated (with notched edges) and veins. The upper side is deep green in color and the lower side lighter green. Leaves become progressively smaller toward the top of the plant and in the highest leaves some of the leaflets of the compound may fail to develop. It is thus possible for some of the highest leaves to appear to consist of a single leaflet.

Sexual differentiation. Marihuana belongs to that class of plants known as Dioecious, that is, the staminate or male function and the pistillate or female function are invested in separate plants; therefore one finds both male plants and separate (but equal) female plants. These cannot be differentiated with certainty until the flowers appear. After pollination is complete, the male plant, having fulfilled its function, slowly withers and dies.

Male flowering top. The male flowers appear conspicuously in sprays about six inches in length at the tops of stalks and branches. They shed pollen profusely. The color is light greenish-yellow.

Female flowering top. The main twig of the flowering top is thrown out from the stalk immediately above a leaf, just as the branches are thrown out from the lower portion of the stalk. These twigs bear the flowers and fruit. The flowers, followed by the fruit, appear on the twig immediately above a leaf in the positions corresponding to branches in the lower part of the plant. The hair with which it is characteristically covered is clear, as is the point of attachment of the fruit. The leaves of the flowering top differ only in size and possibly in number of lobes from those appearing elsewhere on the plant.

Fruit and hulls. As the female plant approaches maturity the fruit (commonly referred to as seeds) appears in the positions described above. They are individually enclosed in hulls or pods. These are green and quite sticky to the touch. The individual mature fruit is light greenish-yellow to brown, frequently mottled in color and ovoid in shape. It is divided into two segments by a rather sharp ridge extending around the greatest circumference and is covered with lacy markings. The interior is filled with a white, oily, meaty substance which superficially resembles coconut meat. The fruit and "hulls" are especially valuable aids in recognition of marihuana.

Roots. The root system of the plant consists of a tap root, which may be as much as eight inches in length, from which spring a number of comparatively tiny branches.

Scattered stands of wild hemp are reported each year throughout the United States. The plants are indigenous to many areas and are adaptable to almost every type of soil and climatic conditions, except those in extreme northern latitudes. The total area of wild hemp in the United States is conservatively estimated to be in excess of 154,000 acres. The heaviest infestation occupies an area from Indiana eastward through New England. Moderate growth occurs along the southern tier of states.

The problems of controlling wild growth include: (1) lack of recognition of the plants by landowners; (2) the tendency of the plant to grow in widely scattered stands and its ability to adapt to many types of habitats; (3) the resistance of mature plants to herbicides; (4) the production of viable seeds over a ten to twelve week period from July to October.

In addition to marihuana, cannabis also is the base for hashish. Hashish is a resin-complex produced by both the male and female flowering parts of the marihuana plant. The resin contains hallucinogenic alkaloids. The scientific term "Cannabis" is sometimes applied to the plant and also to it resin derivatives.

The production of resin will vary with each plant. The THC content of the resin will also vary from plant to plant. Some authorities believe that THC production is

governed by genetic characteristics; i.e., some plants possess the dominant genes that control the biosynthesis of the alkaloid, while other plants contain recessive or muted genes, and resin production is lower.

Hashish oil is extracted from both the plant material and the concentrated resin by suitable solvents such as alcohol. The resulting extracts and distillates, which are high in THC, are used to enhance the effects of marihuana cigarettes. The concentration of THC in "hash oil" will vary from 20 percent to 80 percent.

CHEMICAL TESTS FOR THE PRESUMPTIVE PRESENCE OF THE CANNABOIDS; THE CANNABINOL, CANNABIDIOL, ETC.

Of all methods of testing samples of materials suspected of being marihuana, microscopic examination is generally the most satisfactory. The typical narcotics investigator, however, will generally use a chemical field test to identify marihuana.

The most commonly employed field test is the Duquenois-Levine Test. This is a three step test involving in the first step the extraction of the active ingredients from the suspected material; the second step produces a color reaction when agitated for approximately 2 - 3 minutes, a positive color reaction being a blue-violet or purple color. The third step or the Levine modification involves the addition of chloroform which produces a visible separation of layers of liquid with the colored solution on top. In the case of a positive reaction, a gentle agitation will cause the bottom layer to extract the violet color from the top. If the bottom layer remains clear, a negative result has occurred.

Because this test is commercially packaged in a number of forms, the product instructions will govern the exact manner in which this test is to be used. It is imperative that these instructions be followed exactly. Notwithstanding these variations, the three step procedure outlined above will always be applicable.

THE MARIHUANA CONTROVERSY

A number of marihuana research findings highlighted in previous years have created much concern over the possible biological implications of cannabis use. Some of the possible effects involved are:*

- Impairment of the body's natural defense system against disease--that is, interference with, or depression of, the immune responses
- Chromosomal alterations such as an increase in the number of abnormal chromosomes and a reduction in the number of chromosomes in the body cells
- Basic alterations in cell metabolism
- Impairment of endocrine functioning--that is, a reduction in the male hormone testosterone and in growth hormone levels
- Brain damage

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*Material in this section is based on: National Institute on Drug Abuse, Marihuana and Health, Dept. of Health, Education, and Welfare, Rockville, Md., pp. 14-20.

The results of these studies have been inconclusive because the limitations of the research conducted thus far has precluded definitive conclusions in these areas. There are, however, several areas which have been studied and have yielded more conclusive results.

The effects on cardiovascular functioning have been extensively studied. It has been found that an accelerated heart rate (tachycardia) is the most common and prominent physiological response to marihuana use. Reports have stressed evidence that the effects of marihuana may be dangerous for those with cardiac abnormalities. In fact, evidence that marihuana not only increases heart rate but may also temporarily weaken heart muscles has led researchers who originally studied patients with heart disease to express concern about marihuana use among persons with such problems. The research concerning the effects on persons with any type of health problem cannot always be predicted from studies of normal volunteers. Studies of normal young men have revealed no serious effects on heart functioning.

Another area which has received considerable research attention in recent years is the effect of marihuana on lung functioning. This has become a continuing source of concern because of the increased popularity of marihuana and the known adverse effects of cigarette smoking. The irritating sensation associated with deep inhalation is well known to marihuana users and there have been numerous clinical reports of lung and throat irritation. Moreover, reported research has indicated impairments in pulmonary function in chronic marihuana smokers. Recent research using more sophisticated measures have shown detectable impairment of lung functioning after six to eight weeks of heavy cannabis smoking. These changes persisted at least one week after smoking. This suggests that heavy chronic use could well lead to clinically important changes similar to those found in heavy cigarette smokers.

The Alcohol Argument. The controversy regarding marihuana is often simplified by many to a comparison of the most prevalent and frequent results of marihuana use with similar consequences following the use of alcoholic beverages. Some see all empirical investigations as indicating that alcohol holds a much greater social peril than does marihuana. This is an old argument which can be reduced to either, "I have just as much right to my poison as you do to yours," or "two wrongs make a right."

In countering these arguments, it should be noted that there are five to six million physically and mentally sick people who are in that condition because of their aberrant use of, or reaction to, alcohol. There is reason to believe that marihuana has the same potential to produce an equal if not greater number of socially disturbed people. In view of the tremendous cost to our society of alcohol abuse, it is perplexing how proponents of marihuana can rationalize the legalization of the drug.

Other proponents of marihuana argue that it is cheaper, quicker and not physically addictive and, therefore, it can provide the competition which would drive distilleries out of business. This is specious thinking. It has been proven in countries such as India where marihuana was socially sanctioned and alcohol disapproved, that those who prefer one drug will pursue it regardless of the availability of the other. India has had constant problems with enforcement of its alcohol laws despite the fact that marihuana, until recent years, was legally available to anyone who wished to use it.

The Tobacco Argument. Proponents of marihuana will also argue that the smoking of tobacco results in both physical and psychological dependence, yet it is accepted by society. Since marihuana is less of a problem in these respects, they say it should not be prohibited while the use of tobacco is sanctioned. These arguments overlook

some vast differences between the smoking of tobacco and the smoking of marihuana. For one thing, tobacco can be smoked while the individual performs other activities and with minimal danger to others in the immediate environment. To get the effects of marihuana, the user must exert an intense effort which limits his ability to do other things. For another thing, tobacco has little effect on one's emotional reactions, while marihuana specifically affects the emotional and mental responses. Finally, the detrimental effects of tobacco are slow to appear and even then they primarily affect the user rather than his associates. Conversely, the effects of marihuana appear quickly and may result in erratic behavior on the part of the user that can endanger others around him.

As for associating tobacco and marihuana smoking, very few tobacco smokers progress to marihuana use, and then only because of an almost unassociated relationship. Indeed, very few users of marihuana will progress to the use of heroin. However, it is of some significance that the large majority of heroin users seem to begin the habit following their introduction to marihuana.*

Additional sources of information concerning the possible detrimental effects of cannabis, marihuana, use are:

1. "Drug Enforcement," July, 1978; Drug Enforcement Administration, Washington, D.C. - pp. 31-36.

2. "The Eastland Committee Report," U.S., Congress, Senate, Subcommittee on marihuana - Hashish Epidemic and its impact on U.S. Security. Hearings before the Subcommittee of the Committee on the Judiciary, U.S. Senate, 1974.

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*This section on the alcohol and tobacco controversies is based on DEA, Cannabis Sativa, prepared by John T. Maher, DEA, Washington, D.C.

CHAPTER TWENTY-ONE

# UNIT ADMINISTRATION*

## ORGANIZATION

Traditionally, most narcotics units in municipal departments have been combined with other vice enforcement units, such as gambling, prostitution, and liquor law enforcement. Some units, however, are part of intelligence operations. Some are part of the investigative division. Some, because of the involvement of youth with dangerous drugs, are assigned to the juvenile division.

In many cases, narcotics units, as separate entities or in combination with other vice enforcement sections, are positioned so that they are directly responsible to the chief. There are two primary reasons commonly cited for doing this. The first is that a police department's failure in narcotics and vice enforcement will reflect poorly on the chief of police. The second is the sensitive and secret nature of narcotics (and vice) investigations and the potential for the compromise of information when narcotics units are placed elsewhere in an organization.

It should be recognized, however, that there may be some problems placing narcotics units directly under the chief. First, units responsible to the chief often lack necessary direction and control because he does not have time to devote to unit operations. Second, since the unit and other investigative entities are not directly responsible to the same commander, a separatist attitude often develops among the narcotics investigators. This attitude will influence cooperation, coordination, and communication between the narcotics unit and the other entities. Third, this organization arrangement often causes non-unit personnel to feel that narcotics and vice enforcement is not their responsibility, but is, instead, solely the responsibility of the narcotics unit members.

Because of these reasons, it is recommended that narcotics units be structured to function in coordination with other vice units and as an integral part of the general investigative operation, since officers in the investigative field frequently deal with narcotics users and pushers. In very small departments, the narcotics enforcement effort should not be sub-divided below the division level and should be the part-time responsibility of one detective or investigator. In medium-sized departments, the narcotics and vice operations should be combined as a part of the investigative division so that personnel can be interchanged as needed. In large departments, the investigative effort should be arranged into separate, specialized organizational units, all under the same division or bureau commander. See figures 1, 2, and 3 for recommended organizational positioning.**

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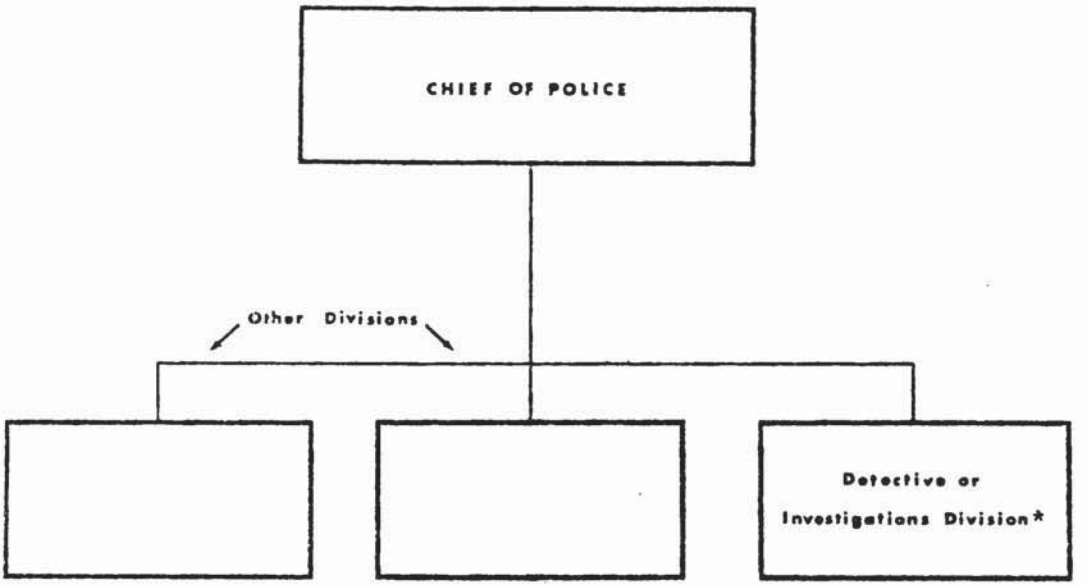
*Material in this chapter is based on: Manuel R. Garza, Multi Agency Narcotic Units Manual (1976), LEAA, Washington, D.C.; and International Association of Chiefs of Police, Standards for the Staffing and Organization of Municipal Narcotics and Dangerous Drugs Units (1970), Gaithersburg, Md.

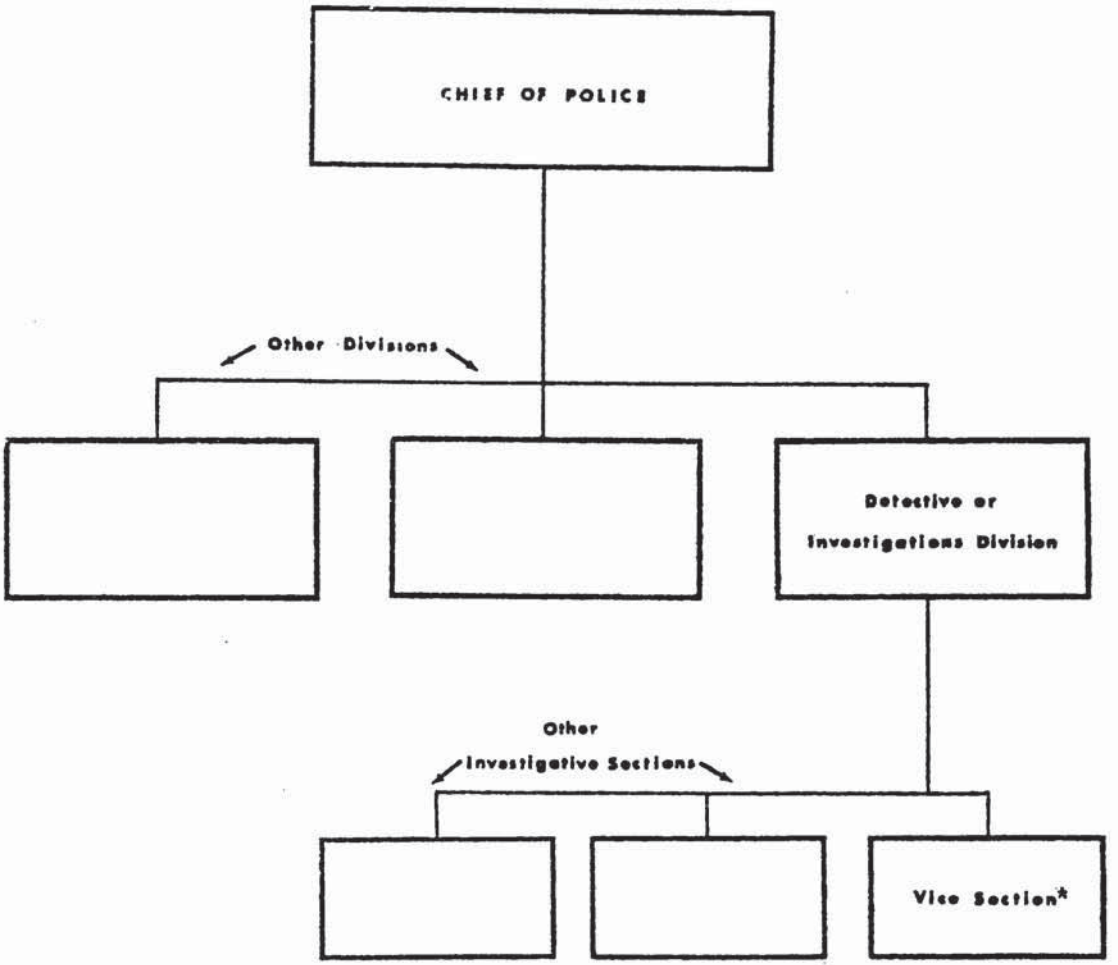
**International Association of Chiefs of Police, Standards for the Staffing and Organization of Municipal Narcotics and Dangerous Drugs Units (1970), Gaithersburg, Md.

Figure 1: RECOMMENDED ORGANIZATIONAL POSITIONING
NDD UNIT
(SMALL DEPARTMENTS)



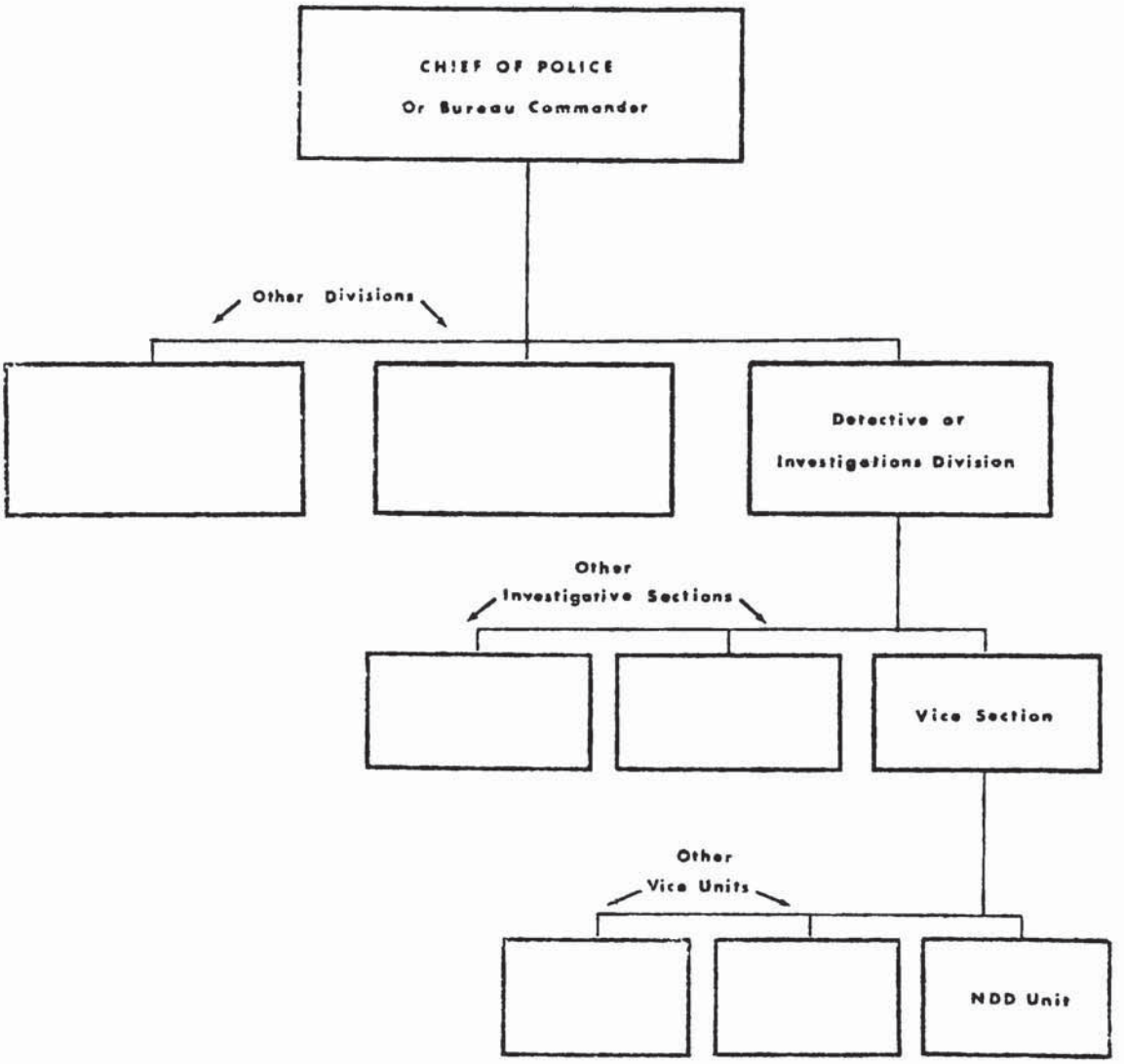

*Detectives or investigators have responsibility for specialized dangerous drug law enforcement.

Figure 2: RECOMMENDED ORGANIZATIONAL POSITIONING
NDD UNIT
(MEDIUM-SIZED DEPARTMENTS)




*NDD officers used interchangeably with other vice enforcement officers.

Figure 3: RECOMMENDED ORGANIZATIONAL POSITIONING
NDD UNIT
(LARGER DEPARTMENTS)



The decentralization of a narcotics unit into district, or "local" sub-units, is most commonly found where the territorial jurisdiction is large. For this reason, it has been found that state units and heavily-populated county units are more likely to decentralize than are municipal police departments. Major city police departments, however, may also decentralize their narcotics units because of the high population density, the geographic size of the jurisdiction, or when decentralization facilities such as district or precinct stations are available. Population density is a primary consideration in decentralization since it is people who give rise to the basic needs for police service. Therefore, police agencies must determine the amount of direct contact between the narcotics staff and the public, as well as the geographic sources of these contacts--that is, from what areas of the jurisdiction do the persons come with whom the narcotics officer makes contact.

If the burden of direct contact between the public and unit personnel exceeds either the capacity of the staff or the physical plant, then it is wise to decentralize to meet these needs. Everything should be done first to avoid this step, because the disadvantages of decentralization far outweigh the advantages.

For example, a number of managerial functions, such as policy-making, budgeting, planning and personnel administration are more properly performed by a central authority. Moreover, an organization which has been decentralized may give rise to serious problems in direction, coordination, control and communications. In many cases, a decentralized department operates in different styles depending upon the district involved. To a certain degree, each district operates oblivious to the procedures and problems of other districts. From an administrative point of view, the increased costs of staff and office facilities and equipment, together with the problem of coordination and supervision, make the decentralized organization something to be avoided whenever possible.

In addition to these administrative factors, there are some operational advantages and disadvantages of decentralization that should be noted. The following are some of the advantages of decentralizing into local narcotics units:

- There is more extensive knowledge of addicts and distribution places within individual districts.
- There is more frequent contact with narcotics users and pushers operating in the individual districts.
- There is increased familiarity with the local neighborhood and the residents.
- The local narcotics officers are able to maintain closer contact with the uniformed officers working the local areas, thereby, increasing narcotics enforcement among the patrol officers.
- Local narcotics teams allow enforcement on small-level users and pushers when desired.
- Narcotics enforcement is maintained under local control, that is, under the control of district commander.

The disadvantages of decentralizing the narcotic unit are as follows:

- There is greater difficulty in coordinating narcotics enforcement in the department.
- There may be some variance in narcotics enforcement priorities among district commanders.

- Undesired competition between narcotics teams in the different districts may develop.

- The district commander may use local narcotics teams for non-narcotics tasks.

In short, the general rule regarding decentralization may be stated as follows: "Centralize if you can. Decentralize if you must."

Where major city narcotics units have decentralized, the primary authority for the control of local teams rests with the district commanders. The reason for this is a valid one. In decentralized police agencies there has been a recent trend to hold the district commanders accountable for the crime in their respective areas. Inherent in this accountability is the need to give the commanders control of those components whose function it is to deal with crime. Thus, the need of assigning authority that is commensurate with the responsibility outweighs the problems in coordination and supervision that may be encountered in having the precinct commander control the local narcotics team. Again, this guideline is intended for those units which must decentralize.

ENFORCEMENT POLICY

A statement of the enforcement policy of a narcotics unit is a matter that requires the mutual agreement of all the department's top command staff. It is important that this statement be developed, if possible, before the unit is structured, as the number and assignment of personnel, the breakdown of teams or squads, and decentralization considerations will all be dependent on the enforcement priorities. If they are not discussed and agreed upon at the outset, those priorities will cause many problems after the unit is in operation. A narcotics unit can concentrate on high-volume pushers, street-level pushers, or users. Obviously, the first two types of offenders should be the principal targets of unit efforts, although target selection will depend on the environment and the local public pressure in which the unit operates. Given the amount of drug activity in most parts of the United States, units usually do not have the time to work cases against users. Indeed, the majority of units do not even have time to investigate street-level pushers, although, out of necessity, units often have to work cases against users and street-level pushers.

The primary investigative effort of a narcotics unit should be directed toward major pushers, while the patrol officers direct their efforts toward street-level dealers and users. Depending on local narcotics activity, it is possible for some units to investigate both big pushers and street-level sellers, leaving the users to the patrol shifts. Units should avoid handling user cases unless an arrested user is an important source of information on narcotics activity or the unit targets a certain user a "lead-in" to a particular dealer. Regardless of whether or not the unit handles cases involving users, the unit must ensure that copies of all case reports of the patrol division on arrested users are sent to the unit to keep on file. The following is a Sample Enforcement Policy which can be incorporated by a municipal police department.

> "Narcotics and dangerous law violations will not be tolerated in any form. Each member of the police department has a responsibility to take action and make arrests for dangerous drugs violations. All uniformed officers should direct major efforts toward the arrest and prosecution of street-level use and sale of narcotics and dangerous drugs. Narcotics and dangerous drugs enforcement specialists should direct major efforts to the arrest and prosecution of sellers and wholesalers of dangerous drugs."

The volume of sales that distinguishes one type of pusher from another is hard to quantify and varies from region to region. What may be a "big" pusher in one region may be a relatively small one in another. Taking marihuana as an example, a unit near the U.S.-Mexican border will probably not attempt a buy against a marihuana pusher unless he can deliver over several hundred pounds of marihuana. The reason is that there are so many marihuana pushers dealing in hundreds of pounds that the limited manpower of the unit cannot be used to investigate "small-time" dealers. In other regions, however, someone pushing several pounds of marihuana a week may be regarded as a big dealer.

Another factor that complicates categorizing drug dealers is that, at the street sale level, users may also be pushers. A user, for instance, may buy more than he uses with the intention of selling the extra portion to support his habit.

In sum, the trafficker classification set down by a unit should be tailored to the local situation. However, the ultimate objective is to go after the highest level dealers in the jurisdiction. The following is a classification of one large multiagency narcotics unit on the West Coast and typifies the concept of suspect classification:

Major Narcotics Trafficker

- Heroin--25 dime bags or an ounce or more
- Marihuana--one kilogram or more
- Cocaine--an ounce or more
- Any hashish oil or laboratory equipment

Street Dealer

- Any lesser quantities than those mentioned above offered for sale
- Any non-user in possession of the above
- Marihuana in lots of over two-thirds of a pound, but less than two pounds (approximately 300-900 grams)
- Possession of over ten, but less than 25, dime bags of heroin, or any quantity over one-half ounce but less than one ounce

Addict

- By marks, physical condition, and where necessary, a urine test
- By admission of the arrestee

Because the volume and type of drugs used varies among areas, it is important that units set priorities and objectives that they feel are appropriate for their respective locales. This will help to ensure that the units actively pursue cases involving the various types of drugs on some systematic, priority basis. Formulation of priority policy must include the participation of the chief administrator and his staff. The policy should be reviewed after periodic evaluations as to the drugs that the unit and other departments encounter most frequently in the region. While there is a tendency to make a blanket recommendation about which drugs units should pursue most actively, units must be responsive to local conditions, problems and statutes in their respective states.

RECORDS MANAGEMENT

Before being filed, all reports should be reviewed by the supervisor and, preferably, by the commander as well. Review ensures that the reports are complete, correct, and ready to be taken into a court. Review also gives the supervisor or commander an opportunity to make certain that the report does not include any extraneous or sensitive material such as information about the identity of an informant.

Security of reports and accessibility to them often presents a problem to a narcotics unit. It is recommended that access to unit reports on on-going investigations be limited to unit personnel and those other departmental personnel the commander believes should be kept aware of unit activities such as the bureau commander or the intelligence section. The reason for this precaution is to prevent an investigation from being compromised, or an informant's identity from being given away. Hence, a narcotics records system should be established whereby the unit maintains its own files. The unit can notify the central records section that it has been issued a particular offense report number so that the records section can maintain control of the offense report number that has been used. The central records section can then place a blank offense report with the offense report number and the indication "Narcotics Case" on the form. After an investigation has been completed and warrants issued or arrests made, the appropriate copies can then be sent to the records section. The following files and records should be kept by the unit:

- Master index file
- General case file
- Identification file
- Address file
- Information/intelligence file
- Information dissemination log
- Officer case log

A description of these various files follows below:

A. Master Index File:

A master index or "Alpha" file should include a list of all persons who have contact with the unit or have been mentioned in reports. This file usually consists of 3 x 5 index cards arranged in alphabetical order. The cards should list the case or intelligence sheet numbers of those reports where the suspect is mentioned and should also indicate, whenever possible, the subject's address, date of birth, physical description, driver's license, and social security number.

B. General Case File:

A general case file should contain copies of reports on narcotics investigations made by the unit as well as the narcotics investigations made by the rest of the agency. These reports should be filed by a control number which is issued when the case is assigned to an officer or at the point when information that has been received or gathered indicates that a case should be started. The designation of the control number may vary, depending on the special

needs of the unit and the procedures of the department. Generally, however, where such procedures are lacking, the cases should be given a number in which the first two digits designate the year of the case, and then a four digit number gives the report its ordinal position. For example, a unit would have as its first case number 78-0001. The second case would be 78-0002. In larger agencies, the precinct or district constituting the point of origin for the case can be indicated by a prefix, such as a letter. Hence a case originating in district "A" would be A 78-0002.

In cases where narcotics enforcement responsibility is combined with other investigative functions within a unit, the unit commander might give consideration to assigning a code to the case file to indicate a drug investigation, and, perhaps, a code to indicate the various types of drugs involved in the case. Whether this is done, or the types of codes to be used (color or digital codes) will depend on the current numbering system and the number and types of cases generally handled by the unit.

C. Informant Identification File

An identification file consists of individual folders on confidential informants and narcotics suspects who have been arrested. Each folder should contain a personal history sheet, a rap sheet, and a photograph or photographs of the suspect or informant. For cross-reference purposes, it should include a list of numbers of those reports and intelligence sheets in which the suspect or informant is mentioned. In folders of confidential informants, it is advisable to list the numbers of the cases in which the informant proved reliable, i.e., where arrests and convictions were made. Thus, an officer can simply look at an informant's identification file and determine where the informant has proved his reliability. Search or arrest warrants can then be easily obtained without having to search every individual case in which the informant has provided assistance.

D. Information/Intelligence Reports

A file should be maintained containing all the information intelligence reports submitted by a unit and department personnel regarding narcotics. The reports should have a numbering system that will distinguish them from the case reports. The purpose of information reports is to document information about a suspect or illicit operation for which no case report has been initiated. Thereafter, if a case report is started, a copy of the information report should be included in the case report jacket, and the information report should make reference to the case report number.

In the units that do not maintain information/intelligence reports, information that does not initiate a case report is usually lost to the unit. Some units initiate a case report on every substantial piece of information that is received. The result is that many case reports are started but do not result in investigations. Thus, these units ostensibly have many case reports pending which are not cases under active investigation. The potential for statistical misinterpretation is obvious in these instances. Figure 4 shows a suggested information/intelligence report form.

Figure 4: INFORMATION/INTELLIGENCE REPORT FORM

INFORMATION REPORT

Date _____ Number: I _____

Subject: _____
(person, business, organization)

Alias: _____

Address: _____

Description: sex ____ race ____ age ____ height ____ weight ____ eyes ____ hair ____

Vehicle: _____ Occupation: _____
(year) (make) (license)

Associates: _____ Criminal Activity: _____
(persons & places) (known or suspected)

_____ _____

_____ _____

FBI # _____ State ID # _____ Other ID # _____

Places Frequented: _____

_____

Additional Information:

Received by: _____ Date Received: _____

Received from: _____
(Address)

Actual Name: _____ Assumed Name: _____

Reliability of Source: Reliable _____ Unknown _____ Doubtful _____

E. Address File:

An address file is made up of addresses that have been explicitly mentioned in reports or are known informally to be locations of narcotics activity. This type of information is common in narcotics work. For example, police officers, informants, or citizens will report locations of suspected drug trafficking but will provide no names of suspects. In these and similar cases, it is advantageous for the unit to list the address in an address index file that refers the officer to the original case report or intelligence/information sheets. Such a file, however, would not include every address mentioned in all unit reports. To include them would be futile, as many addresses of victims, witnesses, or informants have no intelligence value. A unit should be selective and include only those addresses where user/pusher activity is known or suspected to be occurring.

In those units that make "John Doe" buys, i.e., buys from unidentified persons, a location should always be given to give the case a reference point. Thereafter, whenever information on that location comes in, it can be consolidated in that report file.

F. Information Dissemination Log:

The information dissemination log is maintained to monitor and control the information disseminated by the unit to other agencies. For example, when a letter or note with intelligence information is sent to another police agency or even when information is given over the telephone, an entry should be made in the log indicating the caller's name, the recipient of the information, date and time, the general information given, and the reason for exchange (see Figure 5).

G. Officer Case Log:

Some units maintain an officer case log in which every buy made by an officer is listed. By referring to this file, a commander can readily see what his officers are doing. Although a log of this type creates additional work, the information it furnishes is extremely useful. The only other way of determining an officer's activities would be to check all the case reports during a particular period of time or to study the officer's individual confidential fund ledger, which would not necessarily indicate an officer's case load.

H. Other Files:

Occasionally there may be a need for units to keep other types of files on hand. For example, units operating near the Mexican and Canadian borders, where private aircraft are used extensively, may wish to keep a file on aircraft numbers. Relevant information from airport employees, ranchers, and so forth would be written and filed under the specific aircraft number. Telephone number and license plate number files can also be maintained for frequently encountered entries. These entries, it should be noted, will refer to the master name or "Alpha" file.

In contemplating the addition of files, a commander must consider that as more files are added, more work must be done to cross-index the additional information. The key to maintaining an efficient records system is simplicity. Therefore, a unit should not add files for telephone numbers or license plate numbers, for example, unless a real need is established.

Figure 5: INFORMATION DISSEMINATION LOG

INFORMATION DISSEMINATION LOG

| Date of Inquiry | Time | Requesting Agency | Subject and Reason for Inquiry by Requesting Agency | Source of Information Conveyed | Information Disseminated Via | | | Date of Return if Applicable |
|---|---|---|---|---|---|---|---|---|
| | | | | | Tele-phone | Personal Contact | Corres-pondence | |
| | | | | | | | | |

FISCAL MANAGEMENT

The area of fiscal management has often been troublesome to unit commanders. However, since few things arouse as much concern as discrepancies in the expenditure of public revenue by public officials, commanders should develop appropriate guidelines for fiscal administration in order to protect public funds, and make possible the efficient administration of a unit. Although the fiscal administration system often varies among units because of local requirements, each unit should have a written standard operating procedure (SOP) for fiscal management which delineates the following:

- Who is to authorize expenditures
- Who is responsible for keeping records
- Who is responsible for receiving, authorizing payment of, and paying bills
- A general description of the unit's fiscal system

When each officer joins the unit he should be required to read the unit's fiscal SOP and sign a statement to the effect that he has read and understands it. This statement, after a signed verification has been added by the unit commander should be placed in the officer's file, which is kept by the unit.

To allow the commander and other unit members responsible for fiscal administration to carry out their duties, the unit should maintain the following records:

A. General Fiscal Records:

The unit should have in its possession some form of ledger or running record showing the amounts expended and the amounts remaining to be expended in each budget category for those general unit funds which are not considered confidential funds. General unit funds may be considered monies used for purchasing or leasing equipment and supplies, while confidential funds are those monies used to pay for narcotics buys, or for purchasing information. This differentiation is made since general funds records may be inspected by a large number of agency personnel or city or state fiscal officers, while confidential expenditure records may be sensitive.

Those records that are needed to maintain an audit trail should be kept in such a manner that their release to outsiders will not compromise the confidential operations of the narcotics unit. The additional detail needed for operational matters should be maintained on separate records properly cross-referenced to code names. This information should never be released except when an investigation into misuse of funds or malfeasance in office is in progress.

B. Confidential Fund Records:

The unit should account for all expenditures of confidential funds by maintaining the following fiscal records:

1) Confidential Fund Expenditure Ledger. A ledger should be maintained showing either the confidential funds left to be spent or the money spent to date, or both. The ledger should include an individual reference number for each buy, the date of the buy, and the amount of the buy. It is also suggested that a reference to the investigator making the expenditure and a brief description of the expenditure should be included. See Figure 6 for an example of a confidential fund expenditure ledger.

Figure 6: CONFIDENTIAL FUND EXPENDITURES LEDGER

| Date | Expenditure | Purchase of Evidence | Payment to Informant | Expenses | Running Total |
|---|---|---|---|---|---|
| Jan 1 | Buy #78-0001 (Case 75-0001) 2nd Buy on John Jones; 1/2 lb. marihuana-pd. by Agent 16 | 75.00 | | | 75.00 |
| Jan 2 | Buy #78-0002 (Case 75-0005) Pd. to C.I. #125 by Agent #25 for information | | 25.00 | | 100.00 |

2) Buy Card File (Buy report file). This is a card file with an individual card made up for each buy. Its purpose is to provide an original record of expenditures which can be audited without going to the confidential case record files. This is important for maintaining the integrity of unit files. To accomplish this, each card should contain the following information:

- Reference case number to the case for which the expenditure was made, or a reference to the informant file and the informant (by code name or number) to whom the money was paid
- Reference buy number as entered in the expenditure ledger
- Amount expended
- Date on which the money was expended
- Purpose for which money was expended or description of articles purchased
- Name and signature of officer expending money with statement verifying that he spent money in the manner described
- Name and signature of the supervisor who has approved the expenditure See Figure 7 for an example of a buy card.

Figure 7: BUY CARD

Buy Expenditure - Confidential Funds

Case No. _____ Expenditure No. _____
Date of expenditure _____ Amount _____

Subject _____

Purpose _____
_____
_____

Agent _____ Date _____

Approved by Unit Commander:
_____ Date _____

3) Receipt File. Receipts should be on file to account for all monies that are not in the unit cash fund or accounted for by the confidential fund expenditure ledger.

4) Individual Officer Ledgers. A ledger should be kept on every unit officer listing the expenditure of confidential funds by him broken down into evidence purchases, information purchases, and expenditures for expenses, if any. Each entry should have the date and the buy reference number. This ledger may be kept in the officer's file or in a special file with all investigators'

ledgers. Thus, the unit commander can tell at a glance the amounts, the dates, and the reasons for all the expenditures an investigator has made. These ledgers are important in facilitating general administrative review and in case some discrepancy in an officer's expenditure is noted. See Figure 8 for an example of an officer's ledger.

5) Individual Informant Ledgers. A ledger should be kept on each individual informant showing the date and amount he was paid. These entries should be referenced in the confidential fund expenditure ledger, and the receipts, if obtained, should be filed in the individual informant file or informant receipt file. See Figure 9 for an example of an informant's ledger.

In those units subsidized in whole or in part by a federal or state grant, confidential funds must be differentiated from other monies used in the operation of a unit. There are restrictions as to the use of these funds; usually, they can be used for the following purposes:

- Payment of confidential informants
- Purchase of items to be used as evidence, such as drugs and stolen goods
- Payment of the expenses of covert operations that cannot be paid through normal fiscal channels without compromising operations (these usually include expenses for hotel rooms used in surveillances)

Confidential funds are important to the unit's fiscal ability to operate and should not be used to finance normal unit operations or to pay unit employees or any others employed on a regular basis, except informants. However, informants paid on a regular basis may be considered employees by the granting agency. The fiscal ramifications of using paid informants should be thoroughly investigated by the commander.

C. Other Records:

1) Individual officer's files. A file should be maintained within the unit on each officer assigned or formerly assigned to the unit. This file should contain the following:

- A picture of the officer
- A list of all street names used by the officer
- A copy of the officer's signature in both his real name and all commonly used street names
- A statement of familiarity with the unit's confidential funds procedure signed by the officer and the commander
- If telephone and gasoline credit cards are used by the unit, a list of relevant phone numbers and license numbers of vehicles assigned to or frequently used by the officer

Figure 8: INDIVIDUAL INVESTIGATOR LEDGER

INVESTIGATOR: James Jones

| Date | Expenditure No. | Purchase of Evidence | Payments to Informants | Expenses | Running Total |
|---|---|---|---|---|---|
| Jan 10 | 78-0090 | 100.00 | 50.00 | | 150.00 |
| Jan 19 | 78-0101 | 100.00 | | | 250.00 |
| Jan 20 | 78-0105 | 50.00 | | | 300.00 |

Figure 9: INDIVIDUAL INFORMANT LEDGER

CONFIDENTIAL INFORMANT No. 38

| Date | Expenditure No. | Received for Information | Received for Expenses | Running Total |
|---|---|---|---|---|
| Jan 10 | 78-0007 | 20.00 | | 20.00 |
| Feb 15 | 78-0101 | 15.00 | | 35.00 |
| Mar 10 | 78-0210 | | 20.00 | 55.00 |
| Jun 2 | 78-0420 | | 30.00 | 85.00 |

The officer's file may also include the following:

- A copy of receipt for pocket money, if pocket money is carried
- The officer's individual expenditure ledger
- Description of all automobiles used by officers
- Description of equipment issued or used
- Signed statement acknowledging reading and understanding of rules and regulations

2) Informant's file. The commander should maintain a file on every informant, which includes the following information:

- The informant's name and known address
- The informant's picture or, if none is available, a statement of reasons for nonavailability
- A copy of the informant's signature
- Receipts of all monies paid to the informant, or a statement by the unit commander as to the reasons a receipt was not obtained, countersigned by his supervisor

In cases where unit officers are assigned funds that they carry with them at all times, a commander should conduct regular inspections of such pocket funds. Inspections may or may not be announced beforehand. Where the officers are not notified in advance, they may tend to maintain better, stricter control of the funds. Sometimes, though, commanders announce a few days in advance that such an inspection will be held to allow the officers to separate official and personal monies and to replace any official funds that have been spent on personal items. The fact that officers are given the opportunity to replenish these funds may reinforce the practice of spending official funds for personal items. Therefore, unannounced inspections are recommended.

## CHAPTER TWENTY-TWO

## PERSONNEL ADMINISTRATION*

The many variable factors affecting the investigative process make it extremely difficult to establish a system for scientifically determining personnel requirements for criminal investigation units. Nonetheless, the manpower needs of a narcotics unit can be estimated with a reasonable degree of accuracy. The process requires that a substantial effort be directed toward keeping track of the time spent by investigative personnel. The purpose of this approach is to establish an average length of time that should be allocated to complete a single case investigation beyond the preliminary stage.

In addition to establishing a time-per-case average, an average daily non-investigative or administrative time factor must be established. An average time-per-case factor can be derived by requiring that each case assigned for investigation be accompanied by a time accountability sheet. The average daily non-investigative or administrative time factor can be determined by the use of the miscellaneous activity report. In a large agency, activity reports may only be required from narcotics personnel selected on a random basis. The reports should be required for a length of time sufficient to provide a firm base for computing averages.

Once the average daily administrative or non-investigative time and average time-per-case factors have been established, the volume of cases assigned to the narcotics division over the past several years should be examined. On a basis of the trends indicated by past experience, an estimated annual caseload should be projected for the following year. Once this figure is established, the annual number of cases should be multiplied by the time-per-case factor. The result will be the number of hours required to investigate the projected annual caseload.

The average daily administrative time factor should then be subtracted from the number of hours during a normal work day--such as eight hours. This figure represents the maximum number of investigative hours available daily. This figure is then divided into the total number of annual investigative hours previously determined. The result is the number of investigative personnel required to handle the projected annual caseload. The resultant figure is then multiplied by the manpower availability factor of the department. This figure represents allowances for sick leave, vacation, and days off, and usually averages to 1.6 (that is, it takes 1.6 officers to fill one officer's position due to sick leave, vacation, and days off).

The final result is the number of investigative personnel required to handle the projected annual caseload, eight hours a day, 365 days a year. This manpower system is mathematically illustrated by the following:

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*Material in this chapter is based on: Manuel R. Garza, Multi Agency Narcotic Manual (1976), LEAA, Washington, D.C.: and International Association of Chiefs of Police, Standards for the Staffing and Organization of Municipal Narcotics and Dangerous Drugs Units (1970), Gaithersburg, Md.

X = Average investigative time-per-case
Y = Number of projected annual cases
Z = Average daily non-investigative or administrative time factor
(8-Z) = Maximum number of daily investigative hours available per investigator
A = Manpower availability factor

$$A \frac{XY}{365\ (8 - Z)} = \text{No. of investigators required to handle "Y" number of cases}$$

Narcotics specialists recognize the special problems in narcotics investigations that make many investigations complex and drawn out. However, this manpower system can still be used if record-keeping procedures are utilized to assess how the investigative time is spent.

## SUPERVISION

Supervision is a control and developmental device which must be actively and continuously applied in order to maintain and enhance the effectiveness of the subordinate. The responsibility for providing effective supervision naturally falls upon the first-line supervisors. Supervision involves face-to-face leadership and direction of subordinates. The administrative duties of supervisors include:

- Give Work Assignments
- Train New Narcotics Officers
- Review Reports
- Pass Along Communications
- Supervise Cases
- Hold Meetings with Subordinates
- Inspect Equipment
- Review Case Files
- Hold Pre-trial Conferences
- Debrief Informants
- Handle Expenditures
- Maintain Discipline
- Initiate Commendations
- Evaluate His Agents
- Serve as a Public Relations Officer
- Conduct Preliminary Investigations of External Complaints on Agents

While this type of activity is an important part of the supervisory function, these administrative functions require that the supervisors confine themselves to the desk rather than spend time in the field. Hence, very often field supervision of the investigators is lacking. Although unit supervisors should assign cases to investigators and review their written reports, the supervisors' responsibility to provide direct and active supervision in the field should be balanced with their administrative responsibilities.

They should spend part of their time accompanying subordinates in their daily activities, observing their performance, and discussing the case at hand. The supervisors should be careful to resist taking over for an investigator whom he feels is making an error, unless the error is very serious and would affect the ultimate result of the investigation. In fact, other than exceptional situations or where a unit or team is very small, the supervisor should not participate in operational duties, although he should be knowledgeable in narcotics enforcement.

Most authorities in police administration agree that the proper span of control, that is, the number of subordinates assigned to a superior, depends on the complexity and the level of functions and tasks. It should be recognized that the span of control will also depend on the types of operations the unit or team is engaged in, the managerial capabilities of the supervisors, and the capabilities of the subordinates, that is, their level of training and amount of investigative experience. For a narcotics unit, a span of control from three to seven is usually efficient.

## WORK ASSIGNMENT AND CASE MANAGEMENT

Supervisors should actively undertake operational planning for the unit or specific teams by developing weekly schedules. For example, they should outline what operations the team will undertake, which suspects they will try to make a buy on, which drug locations they will try to infiltrate, and so forth. Although supervisors cannot be expected to accurately predict everything that will be accomplished each week, this practice forces them to formulate objectives that the team can strive to achieve. At the same time, supervisors should write brief synopses of the activities of their respective teams for the past week. Thus, at the end of every week, supervisors can evaluate what they achieved relative to the objectives that had been formulated.

Equitable procedures for assigning work to officers must also be formulated. A non-systematic approach, where the officer who initially receives information or develops an informant automatically investigates the case further should be avoided where unit officers specialize as either cover or undercover officers. When information regarding a particular pusher is obtained, one of the cover investigators should be assigned to verify the information and, if necessary, to make a case against him. This approach assists the unit supervisors in equalizing the case load for all unit investigators. Otherwise, the supervisors will find that those officers who are more resourceful in soliciting information from informants and "street people" will be assigned a much greater number of cases than those officers who lack this ability. Although some investigators may be disappointed that they are not assigned to all cases they initiate, it is important that the squad supervisors maintain control of case assignment and management.

In assigning an officer to a targeted pusher, a deadline should be set for the development of a substantive case against the suspect. The amount of time which the officer is given will depend on the specific case. In investigating his target, the officer should make an initial intelligence survey to determine the amount of time needed for the case. After working on the case, if an officer is having difficulty making a case against his target, the other officers may be able to assist him with information or advice. An additional officer may also be assigned to the case if it is deemed necessary. By utilizing such procedures, a unit may increase its success rate in apprehending targeted pushers.

In making these types of assignments, however, a potential problem area is that of too much ego involvement on the part of the officers. When an officer is assigned to a targeted pusher and told to "get him," the supervisor and the commander must maintain close supervision over the officer to ensure that he conducts the investigation within the legal and procedural guidelines that have been set down. No agent should be rewarded or otherwise reinforced when he uses questionable methods.

A unit should devise a system whereby it can monitor and control case assignments. One useful system requires that when an officer is assigned to a case, a case number is issued immediately. The case number should be the same case file number used in the general case file reports. All subsequent reports on this case submitted by the officer or other investigators should reflect this number. When the case is assigned to the officer, a case control slip is completed and placed in a one week, two week, or three week suspense file. The control slips should list the case number, officers assigned, and date of assignment. Each assigned officer is then required to submit a progress or supplementary report within the limit previously set. If additional time is needed by the officer, he can submit a report stating the reason for the time extension. The slip can then be refiled on a new "due date." The purpose of maintaining this type of control over case assignments and reports is to ensure that assigned cases receive prompt attention. This system provides an administrative check over the activities of investigators while furnishing a procedure for assessing caseload factors. Assignments of an exploratory nature, i.e., those that are not in response to a particular incident, also can be controlled using the same method.

Supervisors must determine the special abilities of their officers and make assignments so that these abilities can be fully utilized. For example, an officer who may be a poor undercover investigator because he cannot adapt to the role of a buyer may still be utilized effectively as a cover officer. If it appears that an officer is having difficulty in getting along with his partner or other team members, he can be switched around into different working combinations with the various teams. The supervisors should not automatically give up on an officer. There is probably someone within the team or group who will complement him.

The activity report is intended to provide a daily record of the performance of each investigator. It would include the investigations made, assistance to other officers, court appearances, and any other activities, operational or administrative which the officers conduct. The report should include the vehicles used and the mileage, time of commencing and ending assignments, case numbers, and names and addresses of persons interviewed.

The document, in essence, serves as an administrative method of control over the activities of investigators and provides the department with a means of determining manpower and vehicle use, and can be used as a checklist of reports due from the investigator.

On the reverse side, the investigator should be required to note the beginning and ending time of each interview or each activity, the case number, and the name and address of the person interviewed or contacted.

Supervisors should examine and approve daily activity reports and discuss any questionable items with the reporting investigators. The supervisors should also spot-check entries on the reports against investigative reports written by their subordinates to insure that interviews and other activities are accounted for and reported properly.

Unit investigators should be required to maintain continuous radio contact, report in and out of service, and provide telephone numbers where they can be reached when they leave the car. These procedures provide protection to the investigator, assist in maintaining control over the actions of the officers, and establish a system to locate officers in the event they are needed for emergency assignments. Furthermore, these techniques will also preclude the necessity of having the investigators call in to the unit supervisor two or three times per shift, a requirement that becomes very burdensome to the caller and the recipient of the calls.

Control over working hours must also be considered. The nature of the narcotics problem, the enforcement objectives of the unit, and the number of officers assigned to it are the major determinants of the working hours of unit personnel. For example, a small unit may be unable to break up into two shifts, even if it were desired, because of the lack of sufficient manpower. On the other hand, a unit that could assign teams to both morning and afternoon shifts may not do so because of local conditions, such as a low level of drug activity during the morning hours. In this case, it may be best to assign all the officers to work the afternoon shift when more narcotic suspects are active. Moreover, unit officers are usually able to set up buys for times during working hours. There are occasions, of course, when surveillances, either moving or stationary, may have to be conducted at any hour of the day or night. When a unit has different shifts working, there should be daily meetings of all supervisors and officers so that general notes and information can be exchanged. When the unit regularly works only one shift, dealers will tend to conduct their business when the unit is not working. To counteract this, a unit must change shifts periodically. In sum, the units must work whenever the need arises. However, there must be some semblance of structure and routine to give the unit a sense of cohesiveness.

## ROTATION OF PERSONNEL

Determining the optimum length of officer assignment to a narcotics unit is difficult. There are some good arguments for making the assignment an extended one. It takes considerable experience and much specialized training to make a good narcotics officer. Rotating officers too frequently reduces the benefit a unit derives from its investment in an individual. The criminals involved in illicit narcotics activity in a given area generally are the same people year after year. An officer gets to know who these pushers and users are, and can put that knowledge to good use. When a new officer is assigned to a unit, he must learn who these individuals are, how they operate, and how the unit can get an undercover officer in with them. There may also be a limited number of personnel who have the qualifications or the capabilities to make good narcotics investigators. By rotating personnel too frequently, the unit may ultimately have to change its standards because there are not enough individuals who have the necessary qualities. It takes a considerable amount of time to develop contacts and informants not only on the street but also within other agencies and organizations. When someone is re-assigned from the unit, the contact may be lost. Finally, where informants are controlled by the officers instead of the supervisors, frequent rotation of personnel may tend to "cool off" informants if they are transferred from officer to officer too frequently.

On the other hand, there are good reasons why agents should not be left in narcotics assignments for too long a period. Narcotics officers may lose the perspective of basic police goals because of their exclusive involvement with narcotics. They may become too ego-involved in their work and ultimately feel that narcotics enforcement is the most important police function. Of course, this is true of officers working in any specialized function.

Closely akin to this is the tendency of narcotics officers to develop an isolationist attitude after long association with narcotics enforcement. Officers may feel that others are not concerned about narcotics in the same way that they are. Perhaps this is because other officers do not perceive narcotics as the most important function of the police. The general narcotics enforcement policy of negotiating charges in return for information and cooperation may tend to make an officer feel that negotiating burglary or theft charges, for example, is justified in order to get a pusher. Other police officers, of course, may not share that belief.

Everyone connected with narcotics enforcement is familiar with the long and irregular hours that officers have to work. These types of working conditions may be detrimental to an officer's physical health and home life. A narcotics investigator cannot work long and irregular hours in a demanding job for a prolonged period of time without his social or married life being affected. Further, narcotics officers generally associate with pushers, users, prostitutes, pimps, and other people related with illicit narcotics activity. Constant exposure to such persons harms an officer by influencing him to believe that all people are unscrupulous. This reaction ultimately manifests itself in the officer's general attitude toward others. While it is realized that police officers must have a healthy amount of suspicion and skepticism, a narcotics investigator may become too suspicious and skeptical after working narcotics for a long period.

Another reason why it is advantageous to rotate unit personnel frequently is that this policy facilitates narcotics enforcement in the entire police department. When a narcotics officer is transferred back to another section, it is as if the unit had one of its men in that section. The ex-narcotics investigator is familiar with narcotics work. He can pass along the benefit of his experience to the people with whom he works. Given materials and resources from the narcotics unit, he could even conduct short, informal training sessions for his fellow officers.

Using the services of regular operating supervisors is usually the most feasible and economical method to provide OJT to the new officers. The unit is able to utilize its personnel while they are learning, and the supervisors are able to evaluate the rate and quality of learning by the trainees. Supervisors can readily discern if an officer has difficulty with some particular task. Moreover, the supervisor or the senior officer can teach the new investigator about local narcotics conditions, such as the identities of the suspects who are operating in the area. The commander and his supervisors should devise a check list of training subjects to be covered to ensure that on-the-job training is done systematically and that it is not used to hide the fact that no training is being offered.

In addition to using supervisors for training, some units have had success in using senior investigators who have a proven ability to perform required tasks. A comprehensive knowledge of unit operations, policies and procedures, and the ability to impart knowledge and skills are also prerequisites for the investigator/teacher.

When used, these field training officers (FTO) should have complete responsibility for the trainee during the field training assignment. If possible, the new officer should work with his FTO and have the same days off. The FTO should ensure that the recruit is familiar with the unit administrative procedures, records, policy regarding activities the officer may encounter, and all operational procedures and techniques. Once each week, the FTO should evaluate the officer's performance using a weekly progress report. At the conclusion of a designated training period, the field training officer should complete a narrative summary report.

If at any time during the field training period the training officer is of the opinion that the new officer will not develop into a successful officer because of a lack of interest, ability or poor conduct, or because of inefficiency or incompetency, the FTO should submit such a report to his unit commander.

The duties assigned to a new officer will depend on (1) the capabilities of the officer, (2) the needs of the unit at that time, and (3) whether the officer is to serve as a cover or undercover investigator. If the officer is to be used in a cover capacity, he should be allowed to immediately assist other agents with assignments such as surveillances, interviews, interrogations, raids, and report-writing. In fact, the more varied the initial experience of the trainee, the faster he will become a productive member of the unit.

Units should also contemplate establishing formal, in-service training classes for their officers, especially where a number of new officers have been assigned to the unit at the same time. The amount of training and the subject areas to be covered will depend in part on the prior training of the investigator. The commander should make certain that all essential topics are covered by either in-service or external programs, or both.

2. External training. In the area of external training, narcotics training programs include everything from one-day seminars to the ten-week narcotics officers school offered by the Drug Enforcement Administration. These external training schools are provided at local, state, and federal levels. At the local level, some of the larger cities have their own training academies that provide training in narcotics. More frequently, however, it is the state that provides training through regional narcotics schools.

At the federal level, the DEA offers short seminars, a two-week regional school, and a ten-week school conducted at the National Training Institute in Washington, D.C. The DEA conducts short seminars and two-week schools in various regions of the country, usually upon the request of local agencies. Local agencies are also able to select as instructors a number of individuals from the area who have the capability to instruct

classes on local subjects, such as state law or regional narcotics conditions. The DEA, in furnishing instructors for portions of the school, also attempts to use DEA officers assigned to the general area since they are familiar with local problems, conditions, and law enforcement officials.

Many states conduct narcotics training schools that have developed strong, structured programs. Although schools will vary in quality, a good, basic narcotics school, with capable instructors, which covers the essential subjects of narcotics investigation, will adequately prepare a new officer for a productive career in the unit.

There are a variety of schools that offer narcotics or narcotics-related training. In the area of intelligence, data collector schools and analyst schools are available through private firms and some state departments of justice. There are also schools on surveillance conducted by private manufacturers of electronic equipment. Other schools sponsored by public and private agencies specialize in areas such as criminal law, search and seizure, and rehabilitation. Whatever training program is selected by a commander for his officers, he should examine the amount and type of training furnished by that program in light of the formal in-service training or OJT available in the unit. The commander should expect that his officers will have to obtain additional training about narcotics work in general and become familiar with local narcotics conditions.

Normally, a commander should expect his officers to be trained in a number of narcotics subjects, including the following:

- Drug Identification
- Symptoms of Drug Abuse
- Drug Laws, Including Search and Seizure
- Undercover Techniques
- Use and Handling of Informants
- Surveillance Techniques
- Drug Concealment
- Gathering and Utilizing Information and Intelligence
- Use and Care of Equipment
- Unit Policies and Procedures
- Court Procedure and Demeanor

One of the concerns of unit commanders is that most training available to their officers is usually of a rudimentary type. There are few schools to which they can send unit personnel for advanced training. Often, an officer with several years experience will be sent to a school only to find out that he is being taught basic subjects learned during his first few months with the unit. The general feeling is that these schools should emphasize such things as practical exercises in surveillance, handling informants, new developments in equipment technology and the utilization of such equipment, and supervision of narcotics personnel and investigations. Should a unit sponsor a training school for regional officers, the planners should differentiate advanced training from basic training.

One way of meeting these two distinct training needs simultaneously is through the design of a two-level program. One part of the program would be designed for both experienced and inexperienced officers while other portions of the program could be divided according to the specific needs of the two groups. For example, the inexperienced officers could be given classes on drug identification, the experienced officers instructed on investigative supervision, and both groups given a class on new types of hallucinogens. In conducting practical exercises, such as in surveillance, the senior agents could act as team leaders. Thus, while subjects of mutual interest could be presented to both groups, each group could still be given classes that were more or less tailored for it. Although this type of program would entail a considerable amount of

work and planning, it is a sound approach to designing an effective program for a frequently neglected group--experienced officers.

CHAPTER TWENTY-THREE

# UNIT STAFFING*

If a unit commander is to effectively administer a unit and achieve any degree of success in narcotics enforcement, he must be able to select personnel that he feels are qualified and capable of carrying out their assignments. The procedure for selecting unit personnel should be thorough and equitable. Letters or descriptive memoranda should be posted in the department on the open position. Specifically, this information should include the qualifications desired, the duration of assignment, and the method that will be used in selection.

Although it is difficult to prescribe a selection process for narcotics units when those units are bound by established departmental policies and procedures, it is important that the need to provide an objective and accurate method of selecting personnel for assignment as narcotics investigators should be recognized. A selection process based upon appointment fosters bias and favoritism, and creates interdivisional friction and low morale. Moreover, an appointment system may result in a low level of investigator quality. A formal investigator selection process should be established whereby the investigators are selected on the combined basis of previous performance, written test scores, and an oral interview. Well-designed procedures for administering these tests stimulates confidence in the integrity of the selection and testing process. Although the best test of an individual's ability to perform investigations is the actual performance itself, considerations of morale, time and the number of potential candidates available for investigative positions make the combination of the written test, past performance, and the interview the most practical and fair method to determine which officers will be selected to serve in the unit.

## WRITTEN TESTS

Many officers feel that the testing process excludes candidates who cannot display their abilities in writing, and that the written test does not accurately identify persons who possess the prerequisites of an efficient criminal investigator. This opinion is not valid. The initial indication that a candidate is not qualified for assignment as a criminal investigator is his inability to perform in an objective testing process which requires an applicant to read and observe, analyze, and express his thoughts in writing under a condition of stress. Realistically, these are important qualities required of a criminal investigator. The testing process is designed to measure the ability to reason and to assess the level of knowledge an applicant may have related

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*Material in this chapter is based on:

Manuel R. Garza, Manual for Multi Agency Narcotic Units (1976), LEAA, Washington, D.C.

International Association of Chiefs of Police, Standards for the Staffing and Organization of Municipal Narcotics and Dangerous Drug Enforcement Units (1970), Gaithersburg, Md.

International Association of Chiefs of Police, numerous management surveys conducted of individual police agencies.

to a particular field on a basis of comparison with accepted standards. The written test imposes the need for officers to study investigative techniques, law, criminalistics, and other related fields. In this manner, the overall knowledge of the officers is increased, along with the subsequent quality of investigative personnel. To be effective, a criminal investigator must be able to identify factors that will contribute to the successful conclusion of a criminal investigation, and he must be able to reflect his thoughts in written reports that are accurate, complete, and concise. The written examination provides a means for assessing these abilities.

PAST PERFORMANCE

Past performance of a candidate is usually assessed on the basis of evaluations made by supervisors and commanders. Consideration of such evaluations also entails interviewing these evaluators to obtain further information and/or clarifying some of the observations made by these individuals. Characteristics that the unit commander will be considering include the following.

1) Attitude Toward the Job. The candidate's commitment to his particular job and to law enforcement in general should be assessed. By talking to a candidate's superiors, a commander can determine whether the candidate is willing to make sacrifices in terms of time and effort to get a job done. This factor may seem insignificant, but it will become very important when such sacrifices become an everyday part of the narcotics officer's life. While commitment is important, a candidate should not be overzealous. He must be controllable. For example, an officer may want to pursue a case further than the team leader or commander feels is appropriate. The officer must be objective enough to see that, regardless of his personal feelings, the commander has sound reasons for discontinuing a case. In effect, there must be a balance between commitment and dedication and the ability to perceive the job objectively.

2) Investigative Ability. A unit commander should examine the cases that the candidate has investigated and the case reports he has written. Specifically, he evaluates the candidate's capabilities in such investigative requisites as interviewing, interrogating, and report writing.

If the candidate has previously worked as an investigator, it is important to consider his ability in clearing cases, his perseverance in pursuing investigations, and his willingness to participate as a team member. In evaluating his commitment to the police effort in general and the investigative function in particular, attention should be placed on the training programs the candidate has attended and any extension or correspondence courses he has taken.

A narcotics officer spends much time talking to people, not only on official police business, but also in "rapping" with informants. Therefore, the commander should pay attention to the candidate's ability to express himself verbally.

The ability to make sound decisions should be expected of the successful candidate. A narcotics investigator must make split-second decisions based on limited information. An undercover officer inside a house trying to make a buy, for example, is making decisions that not only pertain to the success of a case but also to his own safety. At the same time, his cover officer must also make fast and difficult decisions as unforseen circumstances arise. Because so many of their operations cannot be minutely planned, these officers have a considerable amount of discretion. The probationary period of the officer will further enable the commander to assess the officer's ability in decision making.

3) Interest. A unit commander wants to select those candidates who have shown an interest in drug enforcement, although he should realize that there are candidates who have had little opportunity to demonstrate this interest. In assessing past work and

during the interview of the candidate, the commander should keep the following questions in mind. When the candidate had the opportunity to investigate drug cases, did he make some effort to dig a little further to verify the accuracy of the information? Did he take those extra steps in the investigation which would simplify the follow-up investigation for others? What kind of intelligence or information has this officer passed on to the narcotics units or investigators in the past? Has he established a relationship with any of the narcotics officers or investigators in order to pass along or obtain information? What books or other material has he read to familiarize himself with the field? A candidate is not expected to know everything about narcotics before he comes to the unit, but his responses to such questions give an indication of his interest or lack of interest in drug enforcement.

## INTERVIEW OF THE CANDIDATE

Much of the above information can also be verified by an interview of the candidate. In addition to the areas already mentioned, the commander should be examining the following personal factors during the interview.

Personality. Versatility in a narcotics officer is important. He must be able to shift from one role to another very quickly and must be able to discard certain idiosyncrasies of a police officer and adopt the characteristics of an addict or pusher. A unit investigator should preferably be the type of individual who "got around" in his youth, who did a variety of things, who mixed with different crowds. As an investigator, he will have to get along and communicate well with people from various backgrounds. If an investigator has never worked, played, or lived around Blacks, Chicanos, or college students, for example, it will be very difficult for him to interact with them.

Appearance. The physical appearance of the candidate is important insofar as he should resemble as much as possible the type of character he will portray. This will vary with the local drug scene and the enforcement policy of a particular unit. For example, where the enforcement efforts of the unit are oriented toward dealers who sell to wholesale buyers, investigators must look like buyers coming from other parts of the country to buy multi-kilos of marihuana or multi-ounces of heroin. Conversely, another unit may require that officers look like addicts or small buyers.

Every department or agency has members who do not fit the public's idea of a police officer. This, along with the ability to role play, enables a candidate to be a very effective operator. Often, it is not only the appearance of the officer which may give him away, but also his total demeanor. Many policemen, after a certain number of years on the job, behave and act like the public's stereotype of a police officer and may not be suitable for undercover work.

Stability of officer's family life. Although some people may question the wisdom of considering the candidate's personal life, it is a very important factor, because narcotics work places extreme strain on an officer's family life. If a candidate's family life is unstable, it will probably deteriorate further if he becomes a narcotics officer. Some municipal police agencies require that their narcotics officers be single. Other agencies view the stability of the candidate's family life as the first factor to be considered in selection. Notwithstanding these examples, there are a number of reasons why married officers are important to a unit. A married officer can be a stabilizing factor in the unit. He may tend to be more cautious, safety conscious, and career conscious than the single officer. In sum, a family can be a source of strength to an officer.

It is sound policy for a unit commander to interview the wives of candidates. A number of units were found to follow this procedure. The most important question to ask the wife of a candidate is about her feelings toward her husband's becoming a

narcotics officer. It must be recognized that, if a wife is strongly against the idea of her husband working in narcotics, his problems at home may affect his work.

The candidate's wife must be advised of some of the problems that she and her husband will encounter after he assumes his role as an officer. When an officer works undercover, he may have to assume a shabby appearance. In addition, he must pick up the language and develop the "rap" and jargon of the street. He must interact primarily with people who are involved in the use or sale of drugs, and he must become adept at being devious. All these factors can have a detrimental effect on the officer, his personality, and his family life.

The social life of the undercover officer may be restricted, since he may not be able to participate in normal social events, particularly those associated with the police department. There may be some adverse reaction from an officer's neighbors, friends, and fellow police officers because of his new lifestyle. The fact that he is still a police officer working on special assignment does not prevent the transfer of some people's hostility for antisocial stereotypes to the undercover officer.

## BACKGROUND RESEARCH

The unit commander should also search for information by doing some background research on the candidate. Information sought would relate to the following areas.

1) Indebtedness and Integrity. Whenever possible, the financial status of candidates should be examined to reveal those individuals who are clearly living beyond the means of a police officer or to determine the extent of a candidate's indebtedness. While it is not necessary or desirable to eliminate a candidate who has financial obligations, it is necessary to know the extent of his obligations. Because the potential for corruption exists in narcotics work, it is foolish to place in this situation an officer who may be so financially burdened that even a small amount of money may be tempting. Narcotics investigation being what it is, a unit officer has to be constantly trusted with money. He will always have opportunities to cheat on expense reports, undercover buys, or the purchase of information. The point is not that corruption or dishonesty is prevalent, but that it may be unwise to place a heavily indebted individual in a tempting situation. Similarly, a candidate whose background check indicates that he is of questionable integrity should obviously be eliminated. There is no room for such persons in a narcotics unit. They are a greater risk than the debt-ridden individual.

2) Amount of Time in Service. One of the initial decisions of a commander in the selection process involves the choice between experienced officers or new recruits. Whenever possible, experienced police officers should be assigned to the unit. The primary, and sometimes only, advantage in selecting a candidate who has had little or no experience in police work is that he is not known as a police officer by the local community and those involved in drug activity. It should be remembered, however, that a new recruit does not yet know police work and must be taught the basics that an experienced officer already knows. The recruit must be given on-the-job training in general police procedures as well as in narcotics enforcement. Because he is inexperienced, he will require closer supervision. Placing a new police officer in narcotics work may adversely affect his long-term career. In many cases, young officers reassigned from a narcotics unit to patrol duties are unable to make the adjustment. The relative flexibility in schedules and methods of operation are antithetic to the regimented work schedules, procedures, and public exposure of patrol operations. An experienced officer knows what is to be encountered when he leaves the unit and recognizes the type of adjustment that he will have to make when he gets reassigned to patrol. A young recruit may not be aware of these factors. It is recommended that, if a recruit officer is assigned to the unit, the duration of such assignments should be

as short as possible. Moreover, the written examination should be waived since the recruit officer will lack knowledge of police subject areas and his assignment is temporary.

Selecting a police officer with too much time on the job can also create problems. For example, such an officer may be too well known by the people in the community or local area to be used as an undercover officer. His primary use might be as a cover officer, or on certain occasions, he may be able to pass himself off as a "businessman" buyer.

3) Polygraph Examinations. Polygraph machines are useful in the selection of personnel. By using the polygraph test, the commander can simplify portions of the selection process. Much of the guesswork regarding the integrity of the candidate is eliminated. A polygraph examination should include some of the following subject areas:

- Biographical and medical data
- Financial background
- Personal knowledge of narcotics; use or sale by himself or members of his family
- Use of intoxicants
- Gambling habits
- Acceptance, receipt, or solicitation of a bribe
- Reports and testimony as a police officer; false reports, perjury, harsh treatment of prisoners
- Other acts of misconduct

SPECIALIZED PERSONNEL

The need for specialized personnel in narcotics units varies. In the smaller units, an officer "specializes" when he is assigned certain special functions in addition to his general duties. In the larger units, an officer can be assigned to full-time specialized functions. Some of these specialized tasks are: evidence officer, intelligence officer, intelligence analyst, and canine officer.

Typically, the reasons that impel a unit commander to specialize some of his personnel are related to a number of factors. One factor is the need for special skills. The officer who becomes a specialist will become extraordinarily proficient in a particular task. He may, subsequently, be used to improve the general level of the quality of all personnel by instructing other members of the unit in his speciality. The quantity of work in a functional area is another determinant of specialization, since the amount of work will necessitate having an officer who is trained in that task and who can devote substantial amounts of time to the task. This is especially true if the task is important to the unit, but it begins to interfere with regular assignments.

All these reasons for specialization notwithstanding, the unit commander should realize that some problems will accrue as a consequence of specialization. For one thing, the general usefulness of the specialized officer often becomes limited, since he becomes so involved in his specialty that other more general responsibilities suffer. Just as the decentralized district tends to become autonomous, so may the specialized officer or officers. Furthermore, there may be a general decrease in interest in the specialized task by the non-specialized officers since they no longer

have to perform that function. For these reasons, the general rule for specialization is, "Generalize if you can. Specialize if you must."

Within the context of specialized personnel, consideration should be given to the use of female narcotics officers. Although there has been some controversy regarding their employment in general patrol, female officers can be of great value to a narcotics unit. For example, during surveillances a female alone in a car or with a male officer is less conspicuous than one or two male officers in a car. Female officers can be utilized in searching female suspects or female informants used in controlled buys. Even in making investigator buys, female investigators draw less suspicion from a pusher than does a male officer. When a female officer posing as a "girl friend" accompanies a male officer during a buy, there is usually less suspicion of the male officer.

Size is a major drawback in utilizing females, according to some narcotics personnel. Most officers, they argue, would rather have a male officer backing them up in case of physical danger. If a male officer needs a female as a companion in a buy, detractors argue, a female informant can be used. Problems with this argument are that (1) female informants are not always available, and (2) the reliability of an informant in a threatening situation is questionable.

Perhaps the most serious problem in employing female narcotics officers is that male officers tend to be overprotective of them. The male officers do not like to babysit female officers, and the females in turn resent paternalism. Overprotectiveness, however, arises from the social norms and attitudes learned by both men and women since childhood. One can safely predict that, given current trends, this attitude will change throughout society. In a narcotics unit, the attitudinal change is generally very fast. After a period of time, a capable female investigator is usually accepted as a regular member of the team. Conversely, women officers tend to overcompensate in their attempts to prove they can do the work. Therefore, commanders and supervisors must make certain that female officers do not unnecessarily place themselves in hazardous situations.

Unit commanders must also recognize that they may have to compete with other department units for the services of the female officers. For this reason it is important that narcotics units constantly strive to demonstrate the importance of narcotics enforcement to other units. Similarly, since the narcotics unit may have to borrow female officers from other units, narcotics personnel should maintain a sound working relationship with these other entities.

CHAPTER TWENTY-FOUR

# UNIT EQUIPMENT*

The types and amounts of equipment and materials that the unit will need to purchase or lease will depend upon such things as the size and the type of operations of the unit. For instance, the number of binoculars, cassette recorders, and vehicles will depend on how many narcotics investigators are in the unit and the number who are assigned to operational, supervisory, or support positions.

When considering the equipment to be purchased, care must be taken to avoid purchasing unnecessary equipment. For example, some narcotics units may be tempted to buy video tape equipment or movie cameras which will never be used. The possibility of borrowing specialized, infrequently used equipment from other organizational divisions, or other law enforcement agencies should be considered before a decision is made to purchase such items.

In this chapter, unit equipment has been divided into four main categories: issued, special, raid and surveillance equipment, and vehicles. A list of basic equipment is given in Figure 1.

## EQUIPMENT ISSUED TO AGENTS

Drug test kits may be issued as standard equipment to individual officers, although they can also be retained by the unit until needed. The most advisable procedure may be for the unit to maintain these test kits and have the officers conduct field tests of their evidence at the office when it is turned in. In buy situations, the kits can be taken out in the field to assist in establishing probable cause. Units have the option of purchasing commercial kits where the chemicals are pre-mixed, purchasing their own chemicals, or obtaining the chemicals from crime labs.

Binoculars are one piece of equipment that units cannot do without. In deciding how many binoculars a unit should purchase, a unit commander should consider that his officers frequently encounter unexpected situations where binoculars are needed, for example, to read the license plate of a car or watch a narcotics suspect who has been spotted on the street. Because binoculars are items which may be needed at any time, each officer should be issued a pair.

Voice recorders have become an integral part of the reporting system for many narcotics units. Light, relatively inexpensive recorders can be utilized in most field operations to keep a running account of events, descriptions or impressions for transcribing at a later time by the officer or a secretary. These devices should be issued to officers whenever possible, although, if this is not possible, a unit should still possess a number of them to be checked out as needed by unit personnel.

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*Material in this chapter is based on: Manuel R. Garza, Manual for Multi Agency Narcotic Units (1976), LEAA, Washington, D.C., and numerous IACP management studies of individual police agencies.

Figure 1: UNIT EQUIPMENT

EQUIPMENT ISSUED TO AGENTS

- Drug Testing Kits
- Binoculars
- Cassette Recorders
- Driver's License--under fictitious name
- Gasoline Credit Cards--under fictitious name

SPECIAL UNIT EQUIPMENT

- Body Recorder and Transmitter Set
- Phone Tape Recorder
- Night Telescope
- Regular Telescope
- Field Equipment Case or Bag Containing:
  - Evidence bags and container
  - Several copies of all unit forms
  - Blank copies of search warrants and warrant affidavits
- Portable Radios with Charger
- Portable Scales--for weighing narcotics evidence
- Vehicle-following Transmitters with Receivers
- Cameras--moving and still

RAID AND SURVEILLANCE EQUIPMENT

- Flexible Handcuffs
- Sledge Hammer
- Raid Jackets and Hats with "Police" Lettering
- Flashlights
- Construction Hard Hats (for surveillance)
- Portable Light (to be plugged into any outlet)
- Cameras--moving or still picture
- Extra Light Bulbs
- Light-weight Body Armor

VEHICLE EQUIPMENT

- Shotguns
- First Aid Kits
- Area/City Maps
- License Plates--under fictitious name or unregistered

SPECIAL UNIT EQUIPMENT

Although body recording and transmitting devices are very useful to undercover operations, they are also very expensive. The cost factor must be weighed against the added safety factor it gives the undercover officer and the anxiety it saves the commander and the cover investigators. The purchase of this item is highly recommended. The body recorder should be one of the first items for consideration when purchasing special equipment.

Some units maintain recorders that can be used to tape incoming telephone calls of an operational nature. This allows officers to go over phone calls made to the unit by informants or suspects. Recording of phone calls on a party's own phone is considered legal by federal courts and by most state courts, however, the procedure should be checked out by each unit to ensure that it is not prohibited or restricted by state statute.

Telescopes, like binoculars, are useful in certain operations such as surveillances and buy situations. However, they are not used as frequently as binoculars. Since telescopes must be mounted on a tripod for effective use, their applicability is generally restricted to stationary surveillances. Because they may not be used as regularly as some other items, telescopes may not rate very high in priority on a unit's shopping list. Night scopes, on the other hand, are generally used more frequently than telescopes. The decision whether or not to purchase a night scope is dependent on the amount of nighttime surveillance operations in which the unit will generally be involved. A narcotics unit might consider purchasing surplus night scopes from military units.

A vehicle-following transmitter and receiver, or "bumper-beeper," is a very expensive item, the price ranging between $6,000 and $8,000. Although vehicle-following devices can be quite useful to a unit, especially in a situation where an undercover officer is traveling with a suspect to an unknown locality, it is not recommended that all units purchase these devices. There are many other items that a unit may need more than a vehicle monitor. It will have to be determined if there are enough funds to purchase one without depriving the unit of other necessary equipment. Another consideration is that the use of these devices has been found to be illegal without a search warrant. According to a recent case in Oregon (U.S. vs Martyniuk, May 20, 1975), the use of these devices was found to be a violation of a person's right to privacy. Finally, retrieval of the device may at times present a difficult problem. Those units that do have the devices have reported that they are well satisfied with their use. However, the units that lack them seem to be able to operate effectively without them.

A set of protable scales for weighing small quantities of drugs and narcotics is indispensable to a unit because under federal and most state codes, the charges on suspects depend on the amounts of drugs or narcotics they sold or had in their possession. The weight capabilities need not be large. Most drugs and narcotics can be broken up into packages of pounds or kilograms. In cases where large amounts of drugs are confiscated, such as in marihuana seizures, the total may have to be broken up and placed in large plastic bags or different types of scales used. The scales purchased by the unit should allow for regular calibration to guarantee accuracy.

Units may also consider maintaining field bags, that is, briefcases containing the equipment and supplies that it will need for various types of operations. For example, such a case could contain the necessary forms for intelligence information reports, case reports, personal history forms for suspects and informants, search waivers, statements, search warrant and affidavits; in addition, it could include test kits, flexible handcuffs, and any other equipment which may be used in the field. It is not

always possible for officers to carry their own cases with this equipment. If all necessary items are placed in a case, the supervisor can simply take the case with him on an operation and be assured that the team has what it needs.

## RAID AND SURVEILLANCE EQUIPMENT

Units need a variety of items for raid and surveillance situations. The need for most of these items, such as flexible handcuffs, flashlights, and sledge hammers, is self-evident. Raid jackets and hats with "Police" lettering are discussed in the section on raids. As for the other items, a few brief comments are in order.

Some units possess construction hard hats and utility tool belts worn by utility company employees for use during surveillance operations where officers must be placed out in the open or where they must enter a building without arousing suspicion. The purchase of several pieces of lightweight body-armor clothing apparel for the protection of officers during raids should also be considered.

Lighting equipment, such as portable lights which can be plugged into most electrical outlets and high-intensity light bulbs, are also recommended. They are useful when a unit conducts searches in dimly lit apartments or houses. The use of the portable light and the substitution of colored or dim light bulbs with a larger-watt bulb facilitates the searches.

The use of cameras is common to most units. The camera is used occasionally for taking long-range shots of suspects, vehicles, and buildings. More frequently, though, they are used for photographing informants or confiscated evidence. Polaroid cameras are very useful and relatively inexpensive for this purpose. Thirty-five millimeter cameras are more suitable for long-range, covert photographs. Movie cameras are owned by relatively few units and used by even fewer. Covert picture-taking for identification purposes can best be done with a still picture camera. Although a movie camera could be used effectively where a running visual account of an illicit operation is desired, most local units do not get involved in these types of cases. Even if they did, a suitable camera could perhaps be borrowed or rented.

While it is helpful for a unit to borrow some of its equipment from other agencies, the unit should bear in mind that it can abuse this professional courtesy by constantly borrowing from others. On the other hand, units can increase the support and cooperation of other departments by lending them unit equipment. Through such loans, these other departments come to depend on the unit not only for equipment, but also for assistance. Gaining favor from these departments, of course, assists the units in their narcotics enforcement efforts. Through such loans, mutual assistance may be rendered, information exchanged, and ultimately a high degree of cooperation achieved.

The narcotics unit, as well as every other organizational component of the department, should maintain an accurate inventory of the equipment assigned to it. In addition, a master record should be maintained by the fiscal and property management division. Unit inventory records should be checked annually against the master inventory record and updated when new equipment is acquired or old equipment phased out. All non-expendable articles should be identified by serial number, unless one is supplied by the manufacturer. To provide a means of reference, decals or adhesive labels should be affixed to tables, chairs, desks, filing cabinets, and other equipment issued to the unit. In a police department the commander of each organizational component should be made responsible for the equipment under his command. Whenever commanders are reassigned, the equipment inventory should be audited and reassigned to the new commander.

## VEHICLES AND VEHICLE EQUIPMENT

Whenever possible, narcotics unit vehicles should be permanently assigned to individual investigators to enable the unit commander to maintain accountability for vehicle care and service. Each investigator can be made responsible for ensuring that lubrication, oil changes, tuneups, and tire rotation and changes are made when called for.

Where vehicles cannot be assigned to individual investigators, forms and procedures should be formulated which will assist in controlling the use of vehicles. For example, an officer's daily activity sheet should indicate that the officer used the car that day, along with the vehicle mileage. This practice ensures that vehicles are used for official business only and assists supervisory personnel in verifying the daily work of the officers as reported on daily activity reports.

For an agency that is restricted in its ability to exchange undercover cars with other units or agencies, the best policy to pursue in the selection of unit vehicles is to use commonplace vehicles. Use of cars with modifications that make them conspicuous, such as "mag" wheels, bright colors, decals or stickers, should be avoided. All these things tend to make the cars easily recognizable by street people. An unusual car, such as a metallic green Corvette with mag wheels, that is burned in one case may become useless in all other buys in that general region. Despite these considerations, the style of vehicle should "match" the status or character of the person whom the undercover officer purports to be. For instance, a college "buyer" typically would not drive a big, expensive car.

The exclusive use of either new or old cars or the same models as those currently utilized by local police departments, should be avoided. For example, if a major local police department uses a particular make of car, the unit should not use that particular make because local violators will be suspicious of them.

Obviously, police radios and antennae should not be conspicuously placed on the vehicle. In most cases, radios can be hidden in the glove compartment, and the regular radio antennae can be connected to the police radio. In cars that have the radio antennae built into the windshield, regular car antennae can be placed on the cars and then connected to the police radio. A technique used by one unit to conceal radio equipment was that of placing the radio in the glove compartment, the microphone inside the overhead interior covering above the sun visor, and the transmitter button underneath the carpeting just below the dimmer switch.

Often a new paint job on undercover vehicles which have been identified as unit cars may be enough to make them useful again. This is helpful where only two or three undercover cars are used by a squad. A unit should also have an agreement with one or several local car dealers from whom it can borrow an old car or a van for a few hours during a particular undercover operation. The cost factor for this is often low. In many cases, dealers do not charge the units. In a case where such vehicles are borrowed, however, the individuals involved should discuss details such as vehicle insurance and the license plates for the car. A director should also make certain that this type of relationship with friendly car dealers is not abused.

In most narcotics cases where an undercover officer purports to be a buyer from another state, conspicuous rental cars must be used to reinforce the officer's cover. Therefore, units should attempt to have a good working relationship with car rental companies. An alternative to renting cars may be to place out-of-state license plates on the undercover car. Some state motor vehicle bureaus send license plates from their respective states to a requesting unit in another state. One unit received plates from approximately twenty states. To obtain plates, a unit should send the bureau a letter, typed on official letterhead, that states the type of unit making the request, the reason for the request, and the pertinent information of each car including the officer's

real or cover name to which each set of plates is to be issued. Requests for relaying information about inquiries about the registration of such plates should also be covered in the letter of request.

Units should also consider utilizing vans, campers, and motorcycles in their operations. These types of vehicles are frequently used by narcotics suspects and have great value in conducting surveillances. Vans and campers are particularly useful in prolonged surveillances. Units reported that officers who used motorcycles drew very little suspicion when making undercover buys.

The license plates on unit vehicles can be issued to a fictitious name or to the police agency. In cases where the plates are issued to the unit, an agreement should be made with the state motor vehicle bureau to have all inquiries regarding an undercover vehicle's license number returned as "not yet in file," and a notification made to the unit commander regarding who made the inquiry. Consequently, if a citizen requests a license number check, as is legal in many states, the commander can then find out who is inquiring about the unit vehicle. If another police agency runs the license number check, the unit commander can contact the agency directly to determine the reasons for it.

A unit commander must decide whether or not unit officers will be allowed to take assigned cars home with them. If they are allowed, the commander must decide whether the cars will be used for personal purposes or whether use of the vehicles will be restricted to driving to and from work. By allowing unit officers to take cars home with them, the officers will have radio communication with other unit members even when off-duty, and they will have instant accessibility to a police-equipped vehicle. This is especially important since unit personnel often find themselves in situations where they inadvertently encounter narcotics suspects, and they may be able to conduct an impromptu surveillance and gather intelligence.

Unfortunately, when vehicles are assigned for off-duty use, charges of favoritism, patronage, or other political maneuvering designed to "reward" the officer apart from actually promoting him, are likely to occur. The individual who has a police vehicle assigned to him on a permanent basis may save $1,000 or more each year in transportation costs.

A second major issue surrounds the off-duty use of permanently assigned vehicles. Many persons feel that the privilege of having a permanently assigned vehicle is abused when the vehicle is used for such purposes as attending classes while off duty, going to and from paid details while off duty, running personal errands, or simply driving to and from work. Unless clearcut policy is established regarding permanently assigned vehicles, abuse will occur. Moreover, the morale of officers who are not similarly "rewarded" will suffer.

The unit commander or the team supervisors should be responsible for periodic inspections of the unit vehicles, with the inspections focusing on the following areas:

- General cleanliness inside and outside
- Unrepaired damage
- Needed repairs
- Lubrication and maintenance record
- Extra equipment such as flares, skid chains, first aid equipment, fire extinguisher, and other equipment provided for each vehicle

CHAPTER TWENTY-FIVE

EXTERNAL RELATIONSHIPS*

## COORDINATION WITH OTHER AGENCIES

In those jurisdictions where state and federal narcotics agencies are actively operating, a local narcotics unit should coordinate its activities with such agencies. For example, when initiating a case against a suspect, the unit should check with these other agencies to determine whether they are currently investigating him. If this is the case, a determination should then be made as to who will proceed with the investigation or if it will be a cooperative venture.

Another area of cooperation for units is notification of state and federal agencies when a large series of arrests or raids are to be made. They should ask to be notified of similar pending action by other agencies. This procedure ensures that the raids of one agency will not adversely affect the cases of other agencies by forcing suspects to go underground. If such a possibility exists, the agencies can work together in delaying raids or in having the second agency move up their anticipated arrests. A two- or three-day notice of pending raids would probably be ample time for other units or agencies to evaluate the status of its cases.

## UNIT PUBLICITY

If it is in keeping with department policy, someone in the unit should be designated as a press relations officer whose duties are prescribed in explicit, written directives. All members of the unit should know and abide by these directives. Designating one individual and an alternate ensures that press releases are uniform and that the information given is accurate and appropriate.

Any information given to the press should be as concise as possible. The more that is said in a press release, the greater is the likelihood of inaccuracy, conflict, and misinterpretation of the statements made. A press release should simply give the dates and times of arrests, number and names of persons arrested (excluding juveniles), the charges filed, narcotics confiscated, and the agencies which participated in the arrests. Certain specific details about a case should not be revealed to the news media. How the case was made, the number of buys on each suspect, the amount of time the officers have been working on the case, the number of police officers participating in the arrests, or the "size" of the dealer arrested are all items that should be excluded from the news release. This type of information can adversely affect prosecutorial efforts. A defense attorney can claim that such information creates prejudicial pre-trial publicity against the defendant. In addition, the information may be useful to illicit drug dealers.

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*Material in this chapter is based on: Manuel R. Garza, Manual for Multi-Agency Narcotic Units (1976), LEAA, Washington, D.C.

On occasion, units have allowed news media personnel to accompany officers on a raid. According to some personnel, most of these experiences have been beneficial to the unit in focusing public attention on unit enforcement efforts against the narcotics problem, thus gaining public support. There are some major disadvantages, however, in allowing news media personnel to observe ongoing raids. First, if the operation is not carried out smoothly or if reporting is not objective, adverse publicity may be enough to offset months or years of good work by the unit. Second, the initial moments in executing a raid can be complex. Having reporters or cameramen along at the time that the officers are conducting a raid may increase confusion. Third, the coordination of personnel assigned to raid duties becomes more complex and the risk of injury is increased when persons not essential to the operation are permitted to accompany a raiding party.

Another factor to consider is that although a camera may not lie, it can distort. For instance, it may portray an officer who is trying to cover two or three suspects at gunpoint while protecting himself and other officers as a hysterical, gun-waving officer. Again, the whole endeavor may also cause the defense attorney to claim that there has been unnecessary prejudicial publicity against his client. All in all, allowing news media personnel to participate in unit operations such as raids may be unwise. Such participation should be allowed only when all of the factors previously discussed can be controlled. As an alternative source of publicity, perhaps news coverage of unit operations could be focused on some of the more peaceful and less hazardous aspects of unit operations such as court supervised destruction of drugs seized by the unit.

## TRAINING OF NON-NARCOTICS OFFICERS

A unit should consider conducting basic narcotics training programs for local non-narcotics officers. Where such training is lacking among patrol officers, a unit commander can establish a program where unit officers conduct short, roll-call training sessions, or even formal, area-wide courses for the patrol shifts. The program can focus on narcotics subjects which will assist patrol officers in their own duties and in the enhancement of narcotics enforcement. For example, the program may include the following subjects:

- Drug identification: Patrol officers should be given some training in the identification of heroin, cocaine, marihuana, and the common barbiturates, amphetamines, and hallucinogens found in the local region.

- Identification of the abuser: Police officers should be aware of the physiological and psychological symptoms of drug abuse.

- Drug concealment: Methods in which drugs and narcotics are concealed in vehicles, homes, or on the person and how to search for them should be covered.

- Evidence handling: How particular drugs should be handled, collected, stored, and marked should be discussed.

- Conditions and indications of narcotics activity: This topic can cover environmental conditions which indicate narcotics activity, such as narcotics paraphernalia, clandestine lab equipment or vehicular and pedestrian traffic patterns around a place where narcotics are sold.

Whenever possible, short training classes can be video-taped to allow patrol supervisors to present the program to a number of shifts and divisions without tying up

narcotics officers for considerable lengths of time. Temporary assignments of non-narcotics officers to the unit should also be considered. There are numerous benefits derived from conducting these programs. First, they enhance the support of the unit's function. Patrol officers or other investigators get a good understanding of what the unit does and what it is trying to accomplish. It also makes the other units aware of some of the problems that the narcotics unit faces in trying to gather information and in making cases against narcotics suspects. Second, the knowledge of narcotics investigation imparted to other police officers enables them to discover more violations and to do a better job in investigating narcotics or narcotics-related offenses. This, in essence, makes the job of the unit much easier. Third, lines of communication are opened up and a rapport is established between the narcotics unit and the patrol officers. This in turn increases the willingness of the patrol officers to pass along information to the unit on narcotics activities. Fourth, during the training sessions narcotics investigators may be able to spot those officers who they feel would make good narcotics investigators.

Such training should involve as many of the investigators as possible who are capable of conducting short training sessions. The involvement in training by a unit officer is helpful to him because (1) it expands his own knowledge of the subject matter, (2) it forces him to become aware of, and responsive to, the external relationships of the unit, and (3) it gives him the opportunity to make personal contact with other officers in his department.

Another phase of narcotics training where the units can participate is the narcotics training offered to recruit officers at police academies in the local area. Such training offers the same advantages as those conducted by the unit during roll-call training sessions for in-service officers. In addition to these advantages, training at the academy means that the unit is able to reach police officers when they are being given their initial training and, therefore, they can be readily impressed with the need for total police cooperation in narcotics enforcement. Furthermore, a commander can set time aside for a two hour to four hour block of instruction on the subject. Academy training is regular; that is, the commander knows that one of his officers will give a certain block of instruction for every recruit class. One lesson plan can be developed to be used by anyone from the unit who is designated to instruct the class. In addition, qualified academy instructors can be called upon to assist the unit with visual aids and displays to be used in its presentation.

## PARTICIPATION IN MAN UNITS

The jurisdictional independence and desire for autonomy of local police departments have occasionally resulted in duplication of effort, haphazard coordination, and lack of cooperation. The situation is often complicated by competition and friction among police departments, jurisdictional limitations, and shortages of manpower and equipment.

All these factors have had an effect on narcotics enforcement. Consequently, one way of enhancing an effort in narcotics enforcement is through the utilization of Multi-Agency Narcotics (MAN) Units. The use of MAN Units allows local police departments and sheriff's offices to apply their combined resources more effectively to the narcotics problem. Utilizing this approach, they can coordinate their investigative efforts, establish uniform enforcement priorities, participate in undercover operations, supplement the narcotics efforts of smaller departments, and conduct trans-jurisdictional investigations.

Typically, a unit's structure, function, and its method of operation are usually adopted because of suitability for the local conditions of the area. This allows units to address narcotics problems in terms of the unique character of their respective

communities. It is the primary reason that the concept of a MAN Unit works so effectively within a complex of local government.

State and federal narcotics agencies cannot always assist local police departments for a variety of reasons. A MAN Unit, on the other hand, will respond to requests concerning even the lowest level of pushers. It is this type of responsiveness that enhances the support of local departments for the unit.

The fact that MAN Units are designed to fit local needs is indicated by the following features of MAN Units that were researched in a 1974-75 study of MAN Units throughout the country:

- The MAN Units ranged in size from one officer to 60 officers.
- Some MAN Units hired officers while others assigned officers from local departments.
- Units operated in rural, metropolitan, industrialized or suburban areas, or any combination of these.
- Some jurisdictional areas encompassed one county, others encompassed as many as six counties; still other units operated in two states.
- The units operated in jurisdictions with populations ranging from 55,000 to 6,000,000.
- Most units handled only narcotics cases, while others were additionally entrusted with the investigative responsibility for major crimes.
- Some units had very little contact with federal narcotics agents, while others had federal agents integrated into the unit.
- Many squads detached themselves physically from the local police departments; a few were integrated with vice, intelligence, and/or organized crime sections of the department.
- The majority of units operated autonomously while in a few instances units were coordinated by statewide coordinating agencies.

Specifically, MAN Units have been developed to overcome narcotics enforcement problems which are regional in nature. Some of the problems include the following:

- Increased regional drug activity and the appearance of new sources of supply
- Increased publicity about the narcotics problem in the local area
- Inability of police officers to actively pursue investigations outside their respective department's jurisdiction
- Lack of cooperation among local law enforcement agencies
- Inability of local departments to obtain equipment and material needed in narcotics enforcement
- Inability of local police officers to undertake undercover assignments because they are too well-known within their own jurisdictions

- Lack of uniformity in setting narcotics enforcement priorities

- Inability of small police departments to assign a narcotics specialist to work on narcotics investigations and take advantage of the benefits of specialization

- Insufficient manpower assigned to the narcotics function even in large departments with narcotics sections

- Inability to set up an area-wide intelligence system to gather information on narcotics suspects

- Inability of single police departments to obtain state and federal funds to assist the local narcotics enforcement effort

- Lack of uniform training of local narcotics officers so that they can undertake effective enforcement efforts

The resolution of these regional enforcement problems, thus, becomes the objective that a MAN Unit will pursue in order to attain its primary goal of reducing the amount of narcotics and narcotics-related activity in the area. Specifically, the MAN Unit strives to attain the following objectives:

- Allow local narcotics officers assigned to a MAN Unit to pursue their investigations throughout the designated jurisdiction regardless of individual (municipal and county) jurisdictions.

- Coordinate the investigative efforts of all departments, including state and federal narcotics agencies, against narcotics suspects in the area.

- Enhance cooperation among the local law enforcement agencies by establishing (1) a unit in which they will invest manpower and resources and (2) a governing board to supervise the unit and meet on a regular basis.

- Solicit and obtain the funds necessary for purchasing equipment and material and share such equipment with all local agencies through (1) its use within the unit and (2) its loan to local agencies when needed.

- Enable local narcotics officers to participate in undercover assignments by having an officer who may be too well-known in his own jurisdiction work in adjacent jurisdictions.

- Establish narcotics enforcement priorities in the unit and the participating departments by directing unit efforts against the large-volume sellers, while allowing the departments to direct their efforts against street-level pushers and users.

- Provide manpower and equipment to those departments which cannot assign any full-time personnel to narcotics enforcement.

- Supplement the narcotics efforts of those departments that lack adequate manpower to handle the number and types of narcotics cases in their jurisdiction.

- Establish an area-wide intelligence system to actively gather information and intelligence on narcotics activity.

- Facilitate the use of federal and state monies to assist with narcotics enforcement in the local area.

- Facilitate the exchange of information among local police departments by allowing them to channel all information relative to narcotics through the unit.

- Enhance the local narcotics enforcement by providing systematic, formal and informal training for local narcotics officers.

There may be other objectives that are viewed as part of the goals of the unit. For example, some MAN Unit commanders may see the provision of drug education to the public as an objective.

Funding of MAN Units is derived from the following sources: local funds, funding by state planning agencies (SPAs) using federal block grants, and direct funding from the Law Enforcement Assistance Administration through discretionary grants. Although the latter category of funding is made directly by LEAA, the grants are monitored jointly by the LEAA regional office and the state planning agencies. Funding by some state planning agencies is based on a step-down plan where, for example, a unit will get 90 percent of its necessary operating monies from the SPA the first year. This percentage then decreases every year until the end of the predetermined funding cycle, when local agencies are expected to furnish all funding.

It appears that the larger cities are able to maintain unit operation after their state or federally-funded cycle ends, because they can make a substantial contribution toward the support of the unit. Units which service areas containing almost all small departments usually cease operations altogether after the end of the step-down funding, because the financial burden to the departments becomes too great. Unfortunately, it is these departments that may have a more urgent need for consolidated services. If the funding is made through the state planning agency, the period of funding may vary from state to state. Many units are funded for a five-year period, while another large number are funded for a three-year span. The percentage of state funds versus local matching funds may also vary, since a state planning agency may establish any particular formula it wishes. One of the factors which may facilitate the funding of MAN Units at the present time is the emphasis that LEAA places on the consolidation and coordination of local law enforcement efforts.

Total local funding of units must be facilitated by the refinement of the unit to the point that it operates with minimal manpower and financial resources. One unit, for example, operates with twelve officers and a budget of approximately $27,000 excluding wages. Since manpower costs are usually the largest expense that units have, a locally-funded unit must operate with a minimum number of officers. Where confidential funds in whole or in part are contributed by the individual police departments, the contributions are usually based on the population of the various jurisdictions, since this offers the most equitable method of sharing costs. As an example, if it is determined that a unit will receive $20,000 in undercover funds and the largest city within the jurisdiction has 40 percent of the population, then it will provide 40 percent or $8,000 of the confidential funds. The sheriff's office will pay for its population in the unincorporated areas of that county and in those towns to which it furnishes police services. Other towns and villages will likewise be asked to pay their portion. Extremely small communities may pay a small, flat rate.

Multi-agency narcotics units can be classified by organizational configuration into three groups: the "pure" MAN Unit, the city/county unit, and the hired-agent unit.

The most prevalent type of squad, the "pure" unit, is composed of assigned officers representing a relatively large number of local departments. The local

departments may also contribute money and equipment. The main strength of this type of unit lies in the number of participating local departments.

In the city/county squads, there are usually two active participants, the county sheriff's office and the major police department in that county. Although another police department, the state attorney's office, or the state police may contribute an officer or two, the bulk of unit manpower comes from the sheriff's office and the major police department. The utilization of city/county squads is necessary in some areas, since there may be no other departments with sufficient resources to contribute manpower, money, or equipment. In some regions, the sheriff's office provides services to many small towns and villages that cannot or do not maintain police departments. Thus, the burden for maintaining a MAN Unit rests on the two major agencies.

The third type of MAN Unit employs civilian or hired agents who may or may not have previous police experience. In two of the hired agent units that were surveyed during the 1974-75 LEAA project, one squad hired agents who did not have police experience, while the other used agents with previous law enforcement experience. A third unit had four civilian agents who were hired strictly to make undercover buys and supplement the full-time agents. The fact that agents are hired, and, therefore, local departments are not represented on the unit staff by assigned officers, is the only major distinction between these units and those with assigned officers. In both types of units, departmental participation is characterized by the following: (1) local departments may contribute money and equipment, (2) the unit director usually comes from one of the local departments, (3) the local chiefs participate in a unit governing board, and (4) a cooperative relationship in the area of narcotics enforcement exists between the unit and the police departments.

Participation in MAN Units does not automatically mean that all narcotics enforcement in a particular department will be assigned to the MAN Unit, although this often happens. In large metropolitan departments, the narcotics unit may assign part of its manpower to the MAN Unit while it retains a portion of its staff to handle narcotics cases that are lesser in scope than those undertaken by the MAN Unit, and to process narcotics arrests and evidence resulting from patrol activity.

The legal basis of MAN Units can generally be established through (1) a formal, cooperative agreement signed by the participating departments, (2) the swearing in of officers from various departments as deputies of the counties where the unit will have jurisdiction, and (3) state legislation that authorizes the formation of the units and the agents' operations throughout a region or state.

1) Formal agreements. Formal cooperative agreements among departments give a unit a sound, legal basis for its operations. Such agreements formally recognize that MAN Unit officers have jurisdictional authority. The agreement also formally provides unit officers with life, health, and liability insurance and other personnel benefits while they are working outside their communities. Further, the use of written documents requires the participating agencies to consider and plan various aspects of unit administration and operation.

2) Commissioning of officers in multi-jurisdiction. MAN Unit officers can also be sworn in by the sheriff's office, permitting them to work throughout the county as commissioned deputies. In cases where unit operations cover several counties, the officers can be deputized in each county. In the Multi-County Unit, for example, the unit officers are sworn in as county deputies in six counties. In other units, such as the Las Cruces squad, officers may be sworn in as county deputies in addition to being covered by a cooperative agreement. In one particular unit which was composed of city, county, and federal officers, the city and federal officers were sworn in the county.

3) State legislation. A state may enact legislation that authorizes municipalities to form cooperative units. Such a bill may also authorize unit officers to

perform unit investigations in any municipality, with the same powers, duties, privileges, and immunities as the police officers from those municipalities. On occasion, there may be other legislation through which a unit may function. For example, a state may have a statute giving local officers authority to operate anywhere in the state, so long as they are assisting a state police officer. Assignment of one state trooper to a MAN Unit, therefore, authorizes the local agents to operate within any jurisdiction in the state. Such legislation is usually the result of lobbying by law enforcement agencies through the state attorney general's office, legilsative representatives, law enforcement associations, and/or state police chiefs' associations.

4) Units operating in two states. One of the units visited in the MAN Unit Project, the Quad City Unit, operated in two different states--Illinois and Iowa. The unit's jurisdiction included four counties, one in Iowa and three in Illinois. To enable the unit to operate in both states, the attorney general's offices of the two states waived the residency requirements for unit officers in each state and ensured that the officers were covered with liability insurance by their respective departments regardless of where they worked. In addition to these actions, every unit officer was then sworn in as a deputy in the four counties within the two states. The procedure followed by these two states in neutralizing obstacles to unit operations demonstrates how other units can operate in similar circumstances. The waiving of state requirements is essential because it facilitates the swearing in of officers in two or more states and ensures the legality of unit operations in the two states.

All in all, the MAN Unit concept offers law enforcement agencies of all sizes and at all governmental levels a vehicle which facilitates narcotics enforcement on an inter-jurisdictional basis without the loss of agency autonomy and independence.

## DRUG ABUSE EDUCATION PROGRAMS

The decision to participate in drug education programs for the public depends on the availability of unit manpower, the discerned need for such a program in controlling the drug problem, and the interest in these programs as demonstrated by local groups and schools. Through participation in these programs, the unit is able to take its case to the public, make the public aware of local narcotics problems, explain its purpose and function, and make a direct appeal for citizen cooperation and support.

On the other hand, there are some problems that may be encountered in conducting public education programs. The depletion of unit manpower is certainly a factor. A commander must take one of his officers off the street and give him sufficient time to prepare and present the lecture. For most units, such a loss of manpower even for short periods of time is a strain on their resources. Another current problem is that speakers in the local high schools sometimes experience difficulty in communicating with the students. The problem is that the students often feel that they know just as much or more about drugs as the speaker. Finding qualified speakers to give effective presentations may be a problem. Because of the need to keep the majority of unit officers from being exposed to the public, the commander limits himself to a few individuals who can be allowed to give such talks, and to even fewer who can give such talks well.

In view of the problems encountered when undertaking speaking activities, it would be advisable for narcotics units to allow the community relations unit or public information unit to handle such speaking engagements. If the narcotics unit commander does decide to participate in a public education program, he should designate one or two individuals as speakers to minimize exposing his other investigators and to maintain some uniformity and quality control in the program.

Similar decisions have to be made with reference to unit participation in rehabilitation programs. There are opposing views regarding the participation of narcotics

units in drug rehabilitation. One view is that drug enforcement and drug rehabilitation are two different things. Since units have enough problems in the enforcement area they should not become involved in rehabilitation. The contrary view is that rehabilitation is part of the solution to the narcotics problem, that history teaches us that enforcement alone is not the entire answer, and that narcotics units should make whatever contribution they can in the area of rehabilitation.

Unit personnel can become involved in rehabilitation in several ways. First, unit commanders may serve as members of drug abuse boards in their local areas and assist through the contribution of their knowledge and experience. Second, during the plea bargaining or sentencing of a defendant, officers are often asked for recommendations or objections about probation because they possess knowledge of a suspect's activities and involvement in drugs.

A narcotics unit commander should seek to learn what efforts are being made in drug rehabilitation in his area so that he can make an intelligent decision about unit participation. If he can make some contribution without hampering the effectiveness of his unit, he should attempt to get involved in on-going programs. At a minimum, he can learn something about rehabilitation in general and thus be able to form policies based on this knowledge.

CHAPTER TWENTY-SIX

# UNIT EVALUATION*

The evaluation of unit performance over a given period of time is important for several reasons. Through evaluation, the commander is able to determine what has been accomplished by the unit in terms of meeting the goals of its overall mission. Evaluation also gives direction to the unit focusing on the gap between what has been accomplished and what still needs to be accomplished. In looking at the methodology for evaluation of units, there are six areas in which the evaluation processes of many units tend to be weak.

- Evaluations tend to rely on basic statistical indices which may be easily misinterpreted.
- Specific goals, toward which the unit could strive, are not set.
- There is no measure of the unit's impact on the unit's jurisdiction.
- There is no justification of unit activities on a cost-effective basis.
- There is no classification of offenders so that enforcement efforts in each classification can be measured.
- There are no standards for comparing unit efforts.

Ideally, a true evaluation of a unit's narcotics enforcement efforts should reflect the degree to which it has diminished narcotics activity in a particular region. However, because of the nature of the narcotics problem, it is almost impossible to obtain a comprehensive picture of narcotics activity. Often, evaluation of a unit's impact on the narcotics problem must include subjective information. While the unit can measure much of its effort objectively through the collection of data on such activities as arrests, seizures, and the like, the fact that the narcotics problem has increased in objective terms does not necessarily mean that the unit is not achieving some measure of success.

## STATISTICS

A weakness in the evaluation of narcotics units may be that they rely too heavily on statistics. The variance in figures from year to year can be very misleading and easily misinterpreted. General arrest figures can be misleading because a unit may, for example, shift temporarily from an enforcement priority against wholesale dealers to street level pushers or users. The final statistics would merely show an increase in arrests for sale or distribution and would not indicate a shift in unit enforcement policies.

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*The material in this chapter is based on: Manuel R. Garza, Multi Agency Narcotics Unit Manual (1976), LEAA, Washington, D.C.

Conviction rates can also be misleading. For example, a unit may allow an arrested suspect to plea bargain charges on sale of narcotics to lesser charges of possession. The statistics would only show a number for convictions, although the convictions would be for lesser charges.

Clearance rates are also difficult to use. First, most clearance rates are based on the number of arrests made in proportion to the number of reported cases of Part I crimes. The problem is that, in narcotics enforcement, most cases that result in arrest are not reported as are other cases. For example, there are very few citizens coming to the unit to file a complaint or to report some particular incident involving narcotics. In only rare cases will the "victim" in a narcotics transaction make a complaint and cooperate with the police. Therefore, there is an exceptionally small number of reported cases which could be used as a basis for determining the clearance rate. Even when a unit gets information on a suspect, it may not initiate a case, that is, give it a case number until the first buy has been made, in which case there is a likelihood of success.

Focusing enforcement efforts on a specific drug will increase the number of reported incidents related to that substance. For example, if a unit concentrates on cocaine buys, the number of cases and arrests and the amount of seizures pertaining to cocaine will probably increase. The statistical increase may tell us nothing about the amount of cocaine traffic or the overall effectiveness of the narcotics unit. It is merely a byproduct of the enforcement strategy.

By concentrating on narcotics suspects operating in one particular geographic area, the unit can also increase the number of cases, arrests, and seizures in that area. Statistics alone might falsely suggest an "increase" in drug activity in that area, which would be a misrepresentation of facts.

The number of drug-related crimes is occasionally used as an evaluator, but with very limited reliability. For instance, when there is a sizable reduction in the number of robberies, burglaries, purse snatchings, and shopliftings, a unit might claim that its narcotics enforcement efforts have been proven effective. On the other hand, an increase in these frequently narcotics-related crimes can be dismissed by the unit as merely indicative that the patrol division is not effective in its mission.

The purpose of pointing out the weaknesses of evaluative areas is to emphasize the fact that statistical figures and data should not be overly relied upon. A commander should not judge the success or failure of his unit by the figures for any one of these categories. He should rely upon overall data on all unit activity as a reliable indicator of unit accomplishments. It is important that the unit maintain maximum accuracy in its record keeping so that it does not mislead itself and others.

## EVALUATIVE AREAS

To conduct a thorough and comprehensive evaluation of a unit, the following areas should be included in any evaluative report:

- Unit cases
- Use of confidential funds
- Number of informants
- Indictments or warrants
- Total arrests

- Confiscated drugs and narcotics
- Disposition of cases--general
- Disposition of cases referred for adjudication
- Non-narcotics seizures
- Taxes levied
- Searches
- Training of unit personnel
- Number of complaints received
- Information disseminated
- Age of offenders
- Cooperation with drug-related agencies
- Training of non-narcotics police officers
- Number of hours expended per case
- Cost factor analysis of confidential funds
- Highlights of unit operations

These evaluations are discussed individually below.

1) Unit cases. The unit has to classify its cases between those which specifically relate to drug and narcotics activity and cases which are non-narcotic in nature. The narcotics unit may be called upon to handle cases that might otherwise be assigned to a vice unit or some other division, when there is a need for additional manpower or expertise that is available within the narcotics unit. This is not a desirable situation, but there are times when it cannot be avoided. Both narcotics cases and non-narcotics cases have to be further subdivided between active cases and inactive cases. The number of active cases carried over from the previous evaluation period will also have to be noted.

2) Use of confidential funds. This section of an evaluative report should include the amount of confidential funds involved in the following activities:

- Buys: including totals, average buys per case, and average buys per case for each category of pusher
- Informant payments
- Non-drug expenditures
- Recovery of confidential funds

3) Number of informants. The number of informants currently working for the unit should be listed. The main problem that normally arises in this area is that of determining who should and should not be listed as an informant. For example, should the citizen who calls on one occasion with information or a police officer who passes information to the unit be considered as informants? Informants, for evaluation purposes,

are considered to be only those non-law enforcement individuals who are actively engaged in assisting the unit in making buys or intercepting shipments of narcotics, or who supply information about illicit operations on a continuing basis.

4) Indictments or warrants. The number of indictments and warrants for specific types of narcotics and violations should be reported. The exact violations to be incorporated in the report will depend on the statutes of each state, although there are a number which are common to most states. Generally, the following categories of violations are included:

- Possession
- Possession for sale
- Sale
- Transporting, manufacturing, producing
- Instruments
- Smuggling
- Keeping a house
- Others--these should be explained in the narrative portion of an evaluation report.

5) Total arrests. The number of arrests for drug and narcotics cases and for other non-narcotics cases should be reported. Normally, the same offense categories as in the "Indictment and Warrant" section can be used. In addition, a category of "Non-drug Arrests" will have to be included.

6) Quantity of confiscated drugs. The amounts of drugs which have been confiscated by the unit should be broken down according to types of drugs.

7) Disposition of cases. This section should incorporate all the possible methods of disposition, judiciary and non-judiciary, of unit cases. Categories used for reporting include the following:

- Cases still active
- Cases referred to other agencies
- Cases referred for adjudication
- Cases rendered inactive

8) Disposition of cases referred for adjudication. The possible categories for these cases are:

- Cases referred no bill
- Cases pending in court
- Cases adjudicated not guilty
- Cases adjudicated guilty as originally charged
- Cases plea bargained to lesser charge

- Cases receiving probation
- Cases resulting in incarceration and length of sentence
- Cases receiving suspended sentence
- Cases adjudicated guilty but reversed through appeal

9) Non-narcotics seizures. The total monetary value of non-narcotics seizures should also be included. Generally, the categories for these types of seizures are: cars, weapons, cash, and stolen property.

10) Taxes levied. Some units report the total amount of taxes levied by the IRS on suspects who are arrested by the unit while in possession of substantial amounts of money for which the suspect cannot account. These figures can be useful to a unit in measuring relative progress in this area from year to year.

11) Searches. The number of search warrants obtained and searches actually conducted may also be useful in indicating how this activity has differed in volume from previous years.

12) Training of unit personnel. The unit should be able to show the amount and the types of training that it was able to furnish to its personnel. On-the-job training as well as external training should be included.

13) Number of complaints received. The unit should show how many complaints it has received and the source of such complaints. For example, it can indicate the total number of narcotics complaints in a given year and break them down into categories of citizen or other agencies. Thus, the unit is able to show where much of its information comes from and to what degree citizens, other departmental personnel and other agencies work with the unit. Producing this type of information, of course, requires the maintenance of thorough information logs.

14) Information disseminated. The unit should also maintain records on the types of information and intelligence it gives to other local departments and narcotics agencies. This is important if the unit must demonstrate that not all unit activity can be reflected in its arrest figures. In its communication with other agencies, the unit should emphasize that it would like to be informed when any information it disseminates leads to a successful arrest or solution of a case. By the same token, the unit should also advise others when their information leads to the successful conclusion of an investigation.

15) Age of offenders. Reporting the age of offenders involved in the various areas of illicit narcotics activity enables the unit to identify emerging trends in the use and sale of various drugs and narcotics and to counter any arguments that the unit simply seeks to investigate adolescents or that most of the youngsters arrested are involved with "soft drugs."

16) Cooperation with drug-related agencies. Any cooperative endeavors which the unit undertakes with drug-related health care or referral projects should be listed. This shows unit commitment to the overall solution of the drug problem in the local area.

17) Training of non-narcotics police officers. The number of unit-sponsored training programs and the number of law enforcement officers who have participated should be indicated to show (1) the unit's involvement with the narcotics-enforcement capability of the entire law enforcement community in the local area, and (2) where the unit's staff time and effort are being directed.

18) Number of hours expended per case. Determining the number of hours per case generally involves extensive record-keeping. However, by maintaining thorough daily activity reports, a breakdown of the amount of time expended on cases can be accomplished. Investigations should be given a case number as soon as they are begun, not when the first buy is made, as is often done. Thus, a unit will be able to accurately monitor the time spent on a case from the point that a suspect came to the attention of the unit. The resulting information is useful in several ways. The unit will be able to determine how much time its agents and staff devote to the average unit case, to those cases which result in buys, and to those for which no arrest is made. The commander can also determine how much of his agents' time is being expended by administrative duties, such as report writing, court time, and so forth. Finally, the commander will be able to compare time spent on average cases in the past with those in the present. He must be careful, however, not to draw wrong conclusions. A series of difficult cases could increase the time utilized in the average case. For example, a complex, time-consuming buy that leads to the arrest of one or two suspects as opposed to a relatively easy buy that leads to a raid and the arrest of eight or ten suspects might be difficult to evaluate on a time-value basis.

19) Cost analysis of confidential funds expended. In maintaining a record of all confidential fund expenditures, it is relatively easy for the unit to compile figures on the total amount of confidential funds that were expended on each case. With this information the unit can determine what the average cost is per case where an arrest has been made. Thus a commander can tell, for example, that too much money is being expended in walk-away buys, or in cases against street-level pushers. Again, a commander must be careful that he and others are not misled by figures. For example, cases against major pushers may, in the long run, be more beneficial to the overall narcotics enforcement goals of the unit than a greater number of cases against small pushers.

20) Highlights of major unit operations. If possible, evaluation reports should also include highlights or brief descriptions of major cases undertaken by the unit during the reporting period. The highlights show the cases in which a considerable amount of time or money was expended. This is helpful in demonstrating that unit operations are often complex, time-consuming, and expensive. In addition, narration can tell the reader certain things that statistics alone cannot relate.

## EVALUATIVE REPORTS

The purpose of maintaining and supplying these figures and data is to demonstrate to senior officials the activities and work load of the unit. Without this information it is very difficult for the bureau or division commander to assess the problems encountered in narcotics enforcement by the unit and its activities in attacking these problems. Furthermore, the information allows the unit commander and the supervisors to compare unit results from one particular period to another, although unit supervisors should bear in mind that, in terms of arrests, unit activity may seem to be either "feast or famine." For example, after a series of arrests within an area by the unit, there may be a period of time when the narcotics dealers either reduce their activity or become considerably more cautious.

In order to facilitate the periodic preparation of comprehensive evaluations, the narcotics unit commander should prepare a weekly report for his own use which reflects the number of cases received, initiated, and investigated, the number of arrests by shift personnel, the number of cases cleared, and the amount and value of drugs seized and property recovered. These reports should be prepared from the daily reports submitted by individual investigators.

On a semi-annual basis, the officer-in-charge of each investigative unit should prepare for the bureau commander a justification for each investigator assigned. Such a justification should include a review of the performance of the investigator. This will

provide an effective way to determine personnel needs and will provide an objective method for readjustment of personnel strength of the unit. When interpreting information regarding the activities of individual officers, the following factors should be kept in mind:

- Certain cases are cleared more easily than others.
- Reliable investigators tend to receive the more difficult cases, and at first glance the results of their activities may appear inferior to officers of lesser ability.
- Time spent in court must be considered, as should desk duty, vacation, and sick leave.

This information can also be compared with similar compilations for previous periods in order to note progress or regression on the part of investigative personnel. The compilation should give the bureau commander, the division commanders, and the section supervisors an insight into the productivity of the individual investigators and the narcotics unit.

## INDICATORS OF DRUG TRENDS IN THE COMMUNITY*

There are several indicators, or sources of data, which are generally considered to be associated with trends in drug use. Although the absolute nature of this association between drug use and these indicators is not known, changes in drug use are generally thought to reflect changing values in the indicators. Therefore, the indicators should be considered to be relative, rather than absolute, measures of change. Three indicators that will be considered here are drug-related deaths, drug-related emergency room episodes, and drug price and purity.

One of the indicators is drug-related deaths. It is thought that an increase in the number of active heroin users in the country will result in an increase in the numbers of fatal reactions to the drug. Specifically, it is believed the number of deaths will increase as a function of the number of persons who intravenously self-administer heroin of varying quantity and quality.

Another indicator is drug-related emergency room episodes. As in drug-related deaths, the number of non-fatal reactions to heroin is believed to increase as the number of heroin users increases. Therefore, the number of individuals who experience heroin overdose and are treated in hospital emergency rooms should vary with the total number of active users.

A third, and very important, indicator is the reported price and purity of heroin. On a national level, changes in the retail purity or potency of heroin and changes in price are generally considered a measure of heroin availability. As the purity of heroin increases and the price declines, availability of heroin increases. Increases in availability are believed to be associated with increases in the total number of heroin users. It also seems apparent that when heroin becomes more available, the number of heroin-related deaths and emergencies increases since these fatal and non-fatal reactions are assumed to be primarily dose related.

These indicator trends do not represent a one-to-one relationship with heroin trends or measure the overall prevalence of heroin use in the country. The nature of

*The material in this section is based on: National Institute on Drug Abuse, Heroin Indicators Trend Report (1976), U.S. Department of Health, Education, and Welfare, Washington, D.C.

heroin use and the problems in reporting systems prevent statistical precison at present. These indicators, however, are useful when considered as a whole in providing a general reflection of heroin use and activity.

The question for the unit commander, therefore, is whether or not these indicators are useful to him in assessing the impact of the unit within his jurisdiction. The answer is that they may be, although the commander must make a comparison of local trends with national trends. If local availability is decreasing, but national availability is increasing, it may be an indication that the unit is having noticeable impact locally. If local availability increases while national availability decreases, this may indicate ineffectiveness on the part of the unit. When availability increases or decreases simultaneously with national trends, the local increase or decrease may be an independent change or it may be a consequence of such other jurisdictional efforts as interdiction programs, crop eradication programs, or other enforcement programs.

While these indicators are helpful in discerning heroin trends, great care should be taken in attempting to use the same types of indicators for such things as PCP or cocaine use.